

STRENGTHENING CIVIL SOCIETY PROGRAMME: FUTURE FUNDING THEMES

Scoping paper: Human rights

By Nazia Latif

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About this paper

The Baring Foundation's Strengthening Civil Society (SCS) programme aims to support organisations within civil society to make effective use of the law and human rights-based approaches to tackle discrimination and disadvantage and bring about wider social change. This includes changes in policy, regulation and law; changes in behaviour, attitudes and norms; and new ways of designing and delivering services or support for individuals.

As part of considering the future direction of the programme, in 2025 the Foundation commissioned four scoping papers on the themes of Human Rights, Criminal Justice, Environment and Human Rights, and Corporate Accountability, one or more of which might become a future focus for the programme.

This paper considers the area of Human Rights.

ABOUT THE AUTHOR

Nazia Latif currently runs Right Practice and specialises in providing practical assistance to organisations in the public, private and voluntary sector to meet their human rights obligations. She has worked with a range of organisations in the UK and internationally, including the Health Information and Quality Authority, the Northern Ireland Social Care Council, the Canadian Ombudsperson for Responsible Enterprise and Asia Pacific Forum.

Before setting up Right Practice she worked for the NI Human Rights Commission for 13 years where she led a number of systemic investigations on issues such as racially motivated hate crime, immigration detention and older people in nursing homes.

Nazia is an Authority Member on the Regulation and Quality Improvement Authority and an Equality Commissioner for Northern Ireland.

Summary

This report explores how the Baring Foundation's Strengthening Civil Society programme might enhance its focus on human rights.

- The Baring Foundation's Strengthening Civil Society programme (SCS) seeks to empower UK civil society to address discrimination and disadvantage through effective use of the law and human rights-based approaches.
- This report assesses how the SCS programme can deepen its focus on human rights, evaluating current activities and their alignment with the Foundation's overarching mission.
- It highlights the challenges civil society organisations (CSOs) face in promoting human rights, particularly within a political climate marked by rising populism and extremism.
- While the SCS programme already funds work related to human rights, there remains significant untapped potential for expanding the use of legal and rights-based strategies across a broader range of issues including racial justice, immigration and poverty.
- The analysis underscores the alignment between the Foundation's purpose and the work of CSOs, both striving to promote justice and inclusion by advancing human rights and the rule of law at all levels.
- While, so far, efforts to preserve the Human Rights Act 1998 have been successful, CSOs and funders stress that all stakeholders must prepare for future challenges. Building broader, multi-disciplinary alliances is essential for an effective response.
- The report concludes with actionable recommendations for how the Baring Foundation and its partners in civil society can collaborate more effectively to navigate current challenges, strengthen the sector, and lead philanthropic innovation in the use of the law and human rights-based approaches.
- The report recommends that the Baring Foundation builds on its reputation as a convening funder to build a shared vision of society that counters that being propagated by populist and extremist factions.

Introduction

Currently, the Baring Foundation's (the Foundation) Strengthening Civil Society programme (SCS) "aims to boost engagement and to support organisations within broader civil society to embrace law and human rights-based approaches as effective tools for achieving change for individuals and communities. It also aims to build sustainable collaborations, partnerships and networks that leverage existing expertise within the sector to ensure the use of these approaches is as effective as possible".¹ I have been asked to research how the SCS programme might enhance its current focus on human rights law and regulatory frameworks throughout the UK and the use of human rights-based approaches by civil society. The brief poses a series of specific questions around alignment of the thematic area with the purpose of the

Foundation and the potential the thematic area offers for the Foundation to be a leader in the field of philanthropy. Given that the SCS programme already funds in the thematic areas of 'human rights', this paper provides both a snapshot of, and thoughts on, how the programme operates currently, as well as exploring how it might be developed in a manner that further strengthens civil society and progresses the aims of the Foundation.

To undertake this research, I conducted ten semi-structured interviews with Foundation representatives, grant holders, funders and individuals with experience of the philanthropic sector more broadly. To allow for a candid exchange of views, quotes are anonymised.

¹ baringfoundation.org.uk/programme/strengthening-civil-society/why-we-fund-in-this-area-3

Work in this space and alignment with the purpose of the Foundation

Civil society organisations (CSOs) engage with human rights, and particularly the Human Rights Act 1998 (the Act) and its provisions in different ways. At the root of this engagement is a goal that mirrors the purpose of the Foundation: to protect and advance human rights and promote inclusion by enabling civil society to act strategically to tackle the root cause of injustice and inequality. The root cause of injustice and inequality being the lack of respect for the rule of law and human rights at local, regional and national levels. The premise of the vast majority of human rights work is that human rights are the minimum safeguards democratic states must guarantee to ensure justice and equality.

The Foundation funds the tool (use of the law or human rights-based approaches) not the theme² (environmental rights, disability rights etc), but of course, organisations working in this space apply human rights to a significant number of further themes from counterterrorism and criminal justice to social care and climate justice. And there is still untapped potential in how and where human rights-based approaches and human rights law could be utilised to further the purpose of the Foundation.

USE OF THE LAW

CSOs working on human rights reach out to 'people' in different ways depending on whether they are using human rights law or a human rights-based approach. Organisations such as Liberty, JustRight Scotland, Public Law Project, the Committee on the Administration of Justice (CAJ), Foxglove, Rights and Security International (RSI) and the Public Interest Litigation Support Project (PILS) (not all

of whom are current grantees of the Foundation) centre their activities around human rights and the law or more specifically, the legal protections of the Act. They use strategic litigation to advance and/or safeguard the protection of human rights. Many also comment on and try to influence the impact new policy and legislative proposals are likely to have on those human rights guaranteed under the Act as well as in international human rights treaties. Briefings are shared with members of the legislature with technical language around how particular clauses are incompatible with the Act and amendments suggested to rectify the situation. Opportunities are sought to give evidence to Parliamentary or Assembly Committees. Research papers are published, providing an evidence base for why legislative changes are needed in a certain thematic area. These organisations are likely to focus on thematic areas that have been decided through a strategic planning process using some form of a PESTLE analysis which involves Boards and senior executive teams considering the political, economic, social/cultural, legal and environmental context in which they will be operating. The themes these groups comment on include policing, immigration, counterterrorism, surveillance and criminal justice. The people most adversely impacted by current operational and strategic policing decisions, counterterrorism policies such as Prevent and sentencing practices very much experience discrimination and disadvantage. Crucially they also often fall outside of public favour. For some political agendas it is precisely the fact that the Act applies in all these legislative and policy areas that makes it a 'problem'.³

² Interview 1

³ See for example, "Tories say rights act should not apply to deportations", 9 March 2025, www.bbc.co.uk/news/articles/c3rny5j381eo and "Reform UK Election Pledges: 11 Key Policies Analysed", 17 June 2024, www.bbc.co.uk/news/articles/cqll1edxgw4o.

Expert legal hub organisations already thrive under the thematic area of use of human rights law. JustRight Scotland and CAJ are prime examples of CSOs that already meet the Foundation's legal hub definition. These organisations have sufficient expertise to advise on a wide range of human rights issues including the right to freedom of peaceful assembly, immigration and asylum matters and gender equality.

USE OF HUMAN RIGHTS-BASED APPROACHES

On the other hand, CSOs are using human rights-based approaches to empower, educate and advocate at grassroots level on any number of thematic areas: mental health, climate justice, social care, and disability rights. The British Institute of Human Rights, Participation and the Practice of Rights and JustFair are just some examples of CSOs that want to see human rights in action at the point of service delivery. These organisations use human rights-based approaches at a grassroots level to ensure that users of services understand what human rights they have and how to use the language of human rights to secure access to services and delivery of those services in a manner that meets their needs. They work with service providers to equip them to adopt a human rights-based approach in how they design and deliver services. Such organisations insist that they need to be led by the groups they are working with. If there is a pressing need from a group requiring housing, social care or mental health services, they will respond accordingly. For these organisations, the agenda needs to be responsive to need at grassroots level rather than a pre-planned strategy. As one interviewee explained, for their organisation the goal was to develop a genuine community of practice amongst community groups and while this could be a challenge for securing funding it was central to the ethos of how they worked.⁴

THE DEVOLVED REGIONS

As well as working with the law and human rights-based approaches, CSOs are operating across the devolved regions. They face distinct

challenges but there are opportunities for learning and mutual support. Incorporation of the European Convention on Human Rights (ECHR) is a central pillar of the Belfast (Good Friday) Agreement in Northern Ireland. The Windsor Framework guarantees the non-diminution of rights in NI post-Brexit. CSOs are making the crucial point that it is in the whole of the UK's interests to support human rights work in NI to ensure that government is held accountable for the guarantees it has made under the Windsor Framework and the Belfast (Good Friday) Agreement. The argument being that if CSOs can stop diminution in NI this will prevent retrogression across the UK. Indeed, it was under the provisions of the Windsor Framework that the Northern Ireland Human Rights Commission was able to successfully challenge the Illegal Migration Act 2023.

Scotland is often seen as a beacon of light and best practice because the political discourse on human rights and engagement with CSOs continues to be positive. CSOs have been able to persuade the Scottish Executive under the Scottish National Party (SNP) to use its devolved powers creatively to mitigate against the worst aspects of asylum and refugee laws and policies in the areas of healthcare, education and housing. The UN Convention on the Rights of the Child Act 2023 incorporated the UNCRC into Scots law at a time when the Westminster government was threatening withdrawal from the ECHR. In this mix, London-based CSOs are uniquely placed to have direct access to parliamentarians in both Houses and meet with them both formally and informally to provide briefings and updates.

Use of human rights law and human rights-based approaches as a thematic area is therefore inextricably linked to the purpose of the Foundation. The number of already well-established CSOs operating as legal hubs⁵ demonstrates how the use of human rights law is perfectly suited to advancing the legal hub model. The fact that the Act is a reserved matter has not deterred CSOs in the devolved nations from thinking innovatively about how they can use their respective devolved settlements to further human rights even when Westminster government has the opposite

⁴ Interviewee 2

⁵ For example, Liberty, JustRight Scotland and Foxglove.

agenda. There is clearly scope for further connection in human rights work across the four regions and beyond, which the Foundation is well placed to help strengthen.

HUMAN RIGHTS AND RACIAL JUSTICE

Furthermore, the use of human rights-based approaches by an organisation such as PPR and its Kind Economy project demonstrates how the approach can counter the scapegoating of migrants, racialised minorities and Muslims. It is therefore inextricably connected to the SCS programme's core theme of racial justice and migrant rights. In Northern Ireland in early June 2025 there were four continuous nights of racist rioting. A local leisure centre in the city of Larne, to which displaced families had been moved, was attacked with bricks and paint before being set on fire. Racialised minority families hid in their attics and social housing providers

advised them to leave their homes because their lives were at risk. CSOs continue to work tirelessly on the ground to provide support and find allies in local communities that will amplify the value of human rights and equality for all. In NI, organisations such as the Community Foundation NI, CAJ and PPR have demonstrated how human rights-based approaches can bring communities together across the sectarian divide. These same organisations along with newer ones such as Act Now and the Rabble Collective are now using campaigning, community and digital skills to address racism.

There are certainly opportunities to enhance the Foundation's grant making in this area and CSOs themselves are eager to develop and respond to current and future challenges. In the next section I look at how the Foundation's grant-making programme can strengthen civil society further.

Strategic approaches and strengthening civil society

There are important overlaps in how the groups referred to above operate. Organisations such as Liberty and the Committee on the Administration of Justice (CAJ) do engage with grassroots organisations by providing legal advice whether in terms of taking on a case or through the publication of accessible human rights guidance on thematic areas. CAJ for example, has just launched guidance on the right to protest, developed with Friends of the Earth NI and the Environmental Justice Network NI. While BIHR and PPR use the first-hand evidence of communities to lobby for changes at a policy and legislative level, other organisations using the law engage with the international treaty monitoring process by producing shadow reports and attending treaty examinations at the UN. Those using human rights-based approaches place a strong emphasis on securing access for people with lived experience of discrimination and disadvantage to ‘high level’ decision makers.

We see organisations that are telling people what their rights are and mobilising and organising at a community level and we see organisations litigating. However, there is certainly a perception held by some interviewees.⁶ that the strategic litigation choices that are being made are not responsive to community needs. These interviewees also suggested that if more resources were invested in human rights-based approaches as well as fostering more understanding of the universal benefits of the Act, whereby communities could advocate for themselves at the point of accessing services, there would be less need for litigation. This analysis is over simplistic. Even with all the knowledge and skills of human rights-based approaches, individuals and communities will not be guaranteed their rights, and recourse to the courts is a fundamental safeguard that must be protected

and promoted. Furthermore, not all litigation decisions should be a response to quantitative demand. Such an approach would likely lead to counterterrorism, immigration and detention laws going largely unchallenged. Good human rights work is about ensuring that the most disadvantaged are at the front of the queue but equally it is about reaching out to those that do not even know there is a queue.

The Foundation is considering a number of options for the SCS programme such as narrowing, broadening or connecting the programme to specific themes. The Sigrid Rausing Trust, after undertaking a review, has prioritised certain themes under its ‘Human Rights and the Rule of Law’ programme. One can see the logic of this approach. Arguably it is better to concentrate resources on certain defined areas to maximise impact rather than spreading across potentially infinite areas that risks having little to no impact. However, the Foundation may wish to consider whether such an approach would be truly aligned to its purpose. The root causes of injustice and inequality cannot be traced to any one particular legislative or policy area and discrimination and disadvantage continue to be experienced by all groups with protected characteristics. Furthermore, when other funders have embarked on a review, the outcomes tend to favour those organisations that are able to demonstrate impact, which tend to be older, well-established organisations. However, given the strength of systemic barriers to overcoming discrimination and disadvantage in the current global context funders need to be hungry in their risk appetite, and they need to be prepared to back emerging and untested ideas not only tried and tested ones. Furthermore, we are all aware of the interconnectedness of poverty and poor outcomes in health, education and

⁶ Interviewees 2 and 7

employment; of the disproportionate numbers of black and brown people and people with learning disabilities in prisons. Now is the time to foster relationships across organisations working on different themes and to expand on themes in order to demonstrate the value of human rights law to all disadvantaged groups and the harm that all would experience without the protections it offers. To revise the current approach so that efforts are concentrated on one particular area, at the expense of others, would risk reinforcing the notion that human rights are for a certain group of people, in essence an ‘other’ group of people only or that there is not enough to go around. The SCS programme can strengthen civil society through fostering greater interconnectedness rather than shrinking the spaces in which human rights organisations operate.

HUMAN-RIGHTS BASED APPROACHES AND REGULATORY FRAMEWORKS

Additionally, the Foundation’s desire to focus its grant-making on regulatory frameworks could certainly benefit from further development. Regulators have an important role to play in holding duty bearers to account. There is currently a significant amount of work being undertaken in this area. The Northern Ireland Public Services Ombudsman (NIPSO), the Local Government and Social Care Ombudsman and the Public Services Ombudsman of Wales, after commissioning training and support services, apply a human rights-based approach to their complaint handling. The Regulation, Quality and Improvement Authority in NI has also adopted a human rights-based approach to its inspection processes. The Northern Ireland Social Care Council has developed a digital

resource on Human Rights for Social Workers and is in the process of developing one on Human Rights for Social Care Managers. The public services Ombudsman and HIQA (the health and social care regulator) in Ireland have also adopted a human rights-based approach. These have been intensive projects, involving engaging with the organisation over a period of several months, at all levels from Board to front line staff, and have required investment from the organisations. It was therefore interesting to hear from several interviewees that they had found it incredibly difficult to illicit interest from bodies such as the Parliamentary and Health Services Ombudsman, the Scottish Public Services Ombudsman and the Care Quality Commission to adopt human rights-based approaches.⁷ The learning from the organisations that have developed the approach to date is that they did so as a direct result of forums and discussion with peers rather than CSOs. For example, the NIPSO regularly showcased its human rights manual at national and international conferences, which in turn sparked discussion and interest amongst other Ombuds schemes. The undertaking was not a response to civil society lobbying or advocacy. Furthermore, CSOs would require significant funding to be able to undertake this type of work effectively and sustainably. It may be that CSOs are better placed to hold the regulators to account as they deploy their human rights-based approaches rather than develop the approaches themselves.

To develop the work with regulators effectively, it is recommended that the Foundation consider a convening and further research before expanding its grantmaking to CSOs to undertake it directly.

⁷ Interviewees 1, 2, 3 and 7.

Macro-level grantmaking

Given various provisions of the Human Rights Act, such as sections three, six and 19⁸, it is arguably the closest the UK has to a constitutional document and as far as constitutions go, it is a relatively new one. It is also an integral part of an international peace agreement between the UK and Ireland (the Belfast (Good Friday) Agreement). According to the Labour Government that introduced it, the Act was ‘bringing rights home’ by giving domestic effect to an international treaty that the UK was instrumental in drafting and was intended to embed a culture of respecting, protecting and fulfilling human rights within all public bodies. Yet, in England, a culture of human rights is not embedded in public service delivery, and the Act is not seen as integral to the constitutional settlement. The situation is different amongst certain communities in Northern Ireland, and in the political discourse and Executive decision making in Scotland and Wales⁹. But the Act is of course a reserved matter.

And so, since 2010 there has been a real and critical risk of retrogression in human rights protections. Firstly in 2011 the UK Government established a UK Bill of Rights Commission, which failed to reach agreement and then in 2022 Justice Minister, Dominic Raab introduced the British Bill of Rights Bill to replace the Human Rights Act, which was officially shelved in 2023.

Internationally too there is cause for concern. On 22 May 2025, nine EU member states at the initiative of Denmark and Italy, including Austria, Belgium, Czechia, Estonia, Latvia, Lithuania, and Poland, called for a “new and open-minded conversation” about how the European Court of Human Rights interprets the ECHR. Their concerns centre on rulings in the field of migration. As one legal commentator noted: withdrawal from the ECHR “an option that was seen as the headbanger’s view, has clearly entered the mainstream”.¹⁰

Protecting the human rights legal framework is not a strategic objective of the SCS programme at present, although grants were awarded for this purpose in response to Raab’s proposed British Bill of Rights Bill. Threats to the Act are always present to varying degrees and discrete pieces of legislation continue to erode the protections within it.¹¹

A number of interviewees expressed concern in the following way: *“I have a really strong belief that it will come around again in a couple of years times, except if we haven’t done any of the work to solidify and embed and show why it’s important in two years’ time we won’t be able to do it again, like civil society won’t come together again in that same way”*.¹² Another said, *“I wouldn’t say we had downed tools... but we kind of assumed, despite our general reservations about what the Labour government would be like, we sort of assumed*

⁸ Section 19 of the Act requires a Minister to make a statement to Parliament, before the second reading of a bill for which he or she is responsible, on the proposed legislation’s compatibility with ECHR rights. Section 3 of the Act requires that insofar as possible all legislation is read in a manner that is compatible with the Act. Section 6 makes it unlawful for a public body to violate any of the rights protected in the Act.

⁹ For example, the UN Convention on the Rights of the Child Act 2023, which incorporates the UNCRC into Scots Law and the Rights of Children and Young Persons (Wales) Measure 2011 (‘Rights Measure’) which places a legal obligation on all Welsh Government Ministers to have due regard to the UNCRC in all of their functions.

¹⁰ Eldergill, Anslem, “European Convention on Human Rights threatened by hard-right delusions”, 14 June 2025, The Morning Star.

¹¹ For example: the Overseas Operations (Service Personnel and Veterans) Act, The Covert Human Intelligence Sources Act 2021 amends the Regulation of Investigatory Powers Act 2000 (“RIPA”) to allow Government agencies, ranging from the Intelligence Services to the Food Standards Agency, to authorise someone they are deploying as a CHIS to commit crimes “in the course of, or otherwise in connection with, the conduct of a Covert Human Intelligence Source” (s.29B RIPA 2000). The Police, Crime, Sentencing & Courts (“Policing”) Act 2022 (The Policing Act) curtails the right to freedom of assembly. The Northern Ireland Troubles (Legacy and Reconciliation) Act 2023 curtails the right to an effective investigation under Article 2 ECHR.

¹² Interviewee 2

*that we wouldn't be having to carry on doing all this work to you know convince everybody that the HRA is a good thing... but it does still feel like we do still need to do all that work. It's still incredibly important and... we are nervous about what will happen in 2029".*¹³ Yet another believed that the human rights sector is aware of the ongoing threat but questioned whether it has the capacity to deal with it.¹⁴

However, one interviewee questioned the practicalities of funding work that addresses the threat on an ongoing basis: *"It's relatively easy to be responsive to threats to the Human Rights Act in terms of what grantmaking looks like. I think it's much more difficult to find a way of consistently pacing grants which engage with the problem of building support... where we're in the unusual state of where it's not being directly attacked by the government of the day".*¹⁵

One response to this ever-present threat would be for the Foundation to continue with current funding practice in the hope that this will build sufficient support for the Act and human rights law more broadly. The Foundation could encourage grantees to think more about their messaging, communications and strategising with this looming threat in mind and build an expectation that they report on this. However, while tremendous work is being undertaken in human rights organisations, they do not have the capacity in finances, time or personnel to undertake the level of longer-term strategising and collaborating that is required at the macro-level.

There is certainly consensus across organisations working in this space that it is only a matter of time before another immediate threat to the Act comes but they all stated that there are few conversations taking place on how best to prepare CSOs to effectively respond to this. This report will recommend the Foundation takes a leadership role in helping funders and CSOs prepare for the future. Inevitable future threats to the Act and legal protections more broadly need to be an integral part of any conversation or convening about ensuring that grantmaking and CSO activities are fit for purpose in the coming years. In the meantime, it might be prudent to document and chart the best of what is happening at the devolved level and how this might be exploited and developed at a macro-level. Organisations not in receipt of Foundation grants such as Hope Not Hate, the Rabble Collective, Act Now in NI and the Hope and Courage Collective in Ireland are having considerable impact at local level that is worth replicating and building on at a macro-level.

Such conversations in the immediate to short term could inform the medium and long-term development of the SCS programme so that it can fund in a manner that contributes to movement building.

¹³ Interviewee 8

¹⁴ Interviewee 3

¹⁵ Interviewee 9

The Foundation as a thought leader

The brief requires me to consider a further set of questions as follows:

- are there opportunities for the Foundation to establish itself as a thought leader and a distinctive funder in this area? Will it enable us to communicate our knowledge and influence others?
- does the theme offer options for collaborative grantmaking with other funders?

I have clustered these questions together because they all involve discussing the wider landscape of funding for human rights work. I have been asked to consider whether the Foundation can be a thought leader and a distinctive funder as well as a collaborator.

First, in many ways the Foundation is already a thought leader and a distinctive funder of work around human rights. It is frequently referred to as ‘a human rights funder’. Its clear framing and articulation of human rights work as both use of the law and human rights-based approaches is itself unique and appreciated. It was instrumental in setting up the Scottish Human Rights Fund. Its convenings are greatly appreciated and demonstrate an understanding of the role that funders can play in shaping conversations and developing narratives.

Furthermore, the Foundation’s desire to strengthen the role of National Human Rights Institutions (NHRIs) and regulators in advancing human rights has already taken it into an area that other funders have not engaged with in any meaningful way. Its thesis that NHRIs along with regulators can and should be an integral part of human rights advocacy demonstrates a holistic yet seldom expressed ambition of how to further develop the eco system of human rights organisations in the UK.

BUILDING A SHARED VISION FOR CHANGE

The purpose of the Foundation is clear but to position itself more robustly as a thought leader it may wish to consider its vision. If the root causes of injustice and inequality are tackled what will be different about society? Who will it benefit and how? As one funder commented: “*Well, if you were saving for a rainy day, the rainy day has arrived... I mean what is our story? What is our vision? How are we motivating people? What is the big picture stuff that all our bits that we do fit into and how do we mobilise people around that?*”¹⁶

The Foundation might consider utilising its convening power in the first instance to begin developing that vision with funders and CSOs with a view to collaborative grant making that is targeted to realising that vision.

Why is this important? The rise of populism and extremism are the biggest threats to human rights and the rule of law. The far right, while by no means a monolithic movement, does express a vision of what is ‘wrong’ with society, who it benefits and disadvantages, and offers a ‘solution’. Pravin Prakash explains: “Nativism operates as the ideological spine of global far-right movements. Fundamentally, it refers to the belief that a nation should be exclusively inhabited and ruled by a homogenous, ‘native’ group, defined not by modern notions of citizenship and law, but through markers like religion, race, blood, culture or civilizational belonging. It is hence a deeply exclusivist idea that often portrays those ‘outside’ this imagined native nation — immigrants and minorities, for example, as well as designated traitors like cosmopolitan elites — not merely as ‘outsiders’ but as existential threats to the survival of the nation. Beyond its exclusionary structure, nativism is also imbued with a redemptive vision deeply rooted in a grand narrative of civilizational victimhood that positions its in-group as having once

enjoyed a glorious golden age of cultural and civilizational supremacy and prosperity. The decline of the so-called golden age is attributed to the perceived invasion of outsider “enemies” and the corruption of elites who favoured these enemies”.¹⁷

It might be argued that such endeavours around ‘visioning’ will divert resources from the current c. £1.3m budget that is difficult to justify in the current climate. One might also argue that the more philanthropy tries to do outside of grantmaking, the more it is likely to commit itself to things it cannot see through and raise expectations that cannot be met. Both are persuasive arguments, but the counter argument is that investing in such an exercise around vision and strategy now paves the way for more effective and innovative grantmaking for decades to come – that old adage ‘where are we going and how are we going to get there’. This visioning would also better equip the Foundation to meet its desire for innovative grantmaking at a macro-level. This might be through funding collaborative projects or investing in a start-up CSO or developing seed funding that can work at a country wide level. There is certainly a desire for the Foundation to lead on this:

*“I do believe that funders have the ability to give out money, but I also believe that they have a real convening power, and I feel that the convening power is often as important as the money... and creating space for people to think and reflect... So I think that convening is important, but also encouraging collaboration between funders and between funders and the players in the field... if we all just stick to our knitting, which is giving away the money, I think we’re not going to succeed.”*¹⁸

Another commented:

*“I would really welcome if there are other funders that can dedicate resources to better coordination, information exchange, especially at a time when human rights are under attack like never before. The funding is limited whereas the opposition forces are funded multiple times over.”*¹⁹

Funders will routinely express their desire for collaboration amongst grant holders as does the Foundation. Yet it is ironic that while funders often have this expectation from grantees, they often continue to work in silos themselves. Like collaboration, convening for the sake of it is unlikely to be effective. I would recommend that human rights funders need to give significant thought to their vision both to counter the rise of the forces it is trying to combat but also to make any attempts at collaboration more effective.

These conversations need to look at the what and the how. What will be different about this society? Who will it benefit and how? What are the mechanisms for achieving this? For example, do we need more litigation, justiciable socio-economic rights and/or a UN treaty for the human rights of older people? At present the SCS programme is committed to leveraging ‘existing expertise’. However, one interviewee wondered whether it was counterproductive for the ‘usual suspects’ to continue in the same vein. They asked if there was a way to influence without using their brands and names²⁰. I would suggest that the thematic focus on human rights allows, if not requires, the Foundation to build expertise and encourage multi-disciplinary approaches to advance human rights protections. There is a need for the conversation to rethink: how do we mobilise? Do we need digital and cyber experts, psychologists, statisticians and influencers to help us? And how do we get them on board?

These all may seem to be monumental suggestions that far exceed the original brief. However, as Crystal Hayling of the Libra Foundation asserts: *“Given the scope of the challenges ahead and the possibility of creating real change, now is a powerful moment for us to discuss how philanthropy needs to change to meet the past and be an active force in bending history’s arc toward justice. There is no more room for business as usual. The people and planet are demanding that we build a vision for philanthropy, let go of practices that no longer serve us, and create new ones that move us forward.”*²¹

¹⁷ Prakash, Parvin, “Mapping the Ideological Core of Far-Right Movements Globally”, 12 June 2025, Centre for the Study of Organized Hate, www.csohate.org/2025/06/12/mapping-global-far-right.

¹⁸ Interviewee 4

¹⁹ Interview 5

²⁰ Interviewee 10

²¹ Hayling, Crystal A Vision for the Future of Philanthropy, Spring 2023, Stanford Social Innovation Review, ssir.org/articles/entry/a_vision_for_the_future_of_philanthropy.

LEARNING FROM REGIONAL AND GLOBAL COLLABORATIVE MODELS

Moreover, there is learning from previous and current attempts. For example, in Northern Ireland civil rights activists were instrumental in bringing peace to a deeply divided society. It was crucial to articulate that human rights are not cake. The very vibrant eco-system of human rights organisations exists by design not accident. A small number of key actors were instrumental in setting up the Northern Ireland Human Rights Fund which is a pooled fund hosted by the Community Foundation NI distributing around £400,000 a year to organisations in NI. At a regional level there was a shared vision of a post-conflict society in which human rights are respected, protected and fulfilled. It is no small achievement to hear a former Chief Constable of the Police Service of Northern Ireland explain that human rights are fundamental to good policing and that “those who want cheap tilts at the HRA paint it as an impediment [to policing]; it’s the opposite”.²² CSOs in NI continue to engage and build positive relationships with senior police officers.

Unfortunately, NI is also experiencing the poison of racism at unprecedented levels. But CSO responses continue to be impressive. Initially funding only four identified organisations, in 2025, the Fund made an open call for expressions of interest following a review undertaken in 2020/2021. It has now broadened its focus to provide grants to organisations working on environmental rights and with women asylum seekers and refugees. But CSOs can only demonstrate evolution and agility if their funders do.

Of course, the Foundation itself was instrumental in setting up the Independent Human Rights Fund for Scotland and played a central role in the Global Philanthropy Project and will have much experience and insight from those processes.

There is also the learning from the Thomas Paine Initiative, which brought together national and international donors. The Thomas Paine Initiative was a pooled fund which started operation in April 2012. Its focus was to change the terms of the debate about human rights in the UK to reduce the likelihood of regressive and damaging reforms to the Human Rights Act (HRA) 1998. It came to an end in 2015. Interviewees had reservations about how the Fund operated. One commented that it caused frictions between groups around “*who was going to apply for what*”.²³ Another remembered that international donors were “*really clear that we should be targeting an issue and saying this about protecting the Human Rights Act and then other donors who were sitting in the UK context, the charity regulation (so) it got itself all caught in that sort of conversation about charity regulation*.”²⁴ This was corroborated by another interviewee: “*I think the international ones [donors] were much more adept and attuned to this whole issue around narrative change. I think the domestic ones... it was kind of early days in terms of understanding it*”.²⁵

While not without its problems, it would be inaccurate to describe the TPI as a failed experiment. Over £2 million was distributed in funds and key organisations such as Equally Ours and Each Other (formerly Rights Info) came into being as a result of the funding. They continue to exist as anchor organisations capturing, collating and disseminating human rights and equality information.

²² Index on Censorship, Feb 2013, www.indexoncensorship.org/2013/02/human-rights-are-not-an-impediment-to-effective-policing.

²³ Interviewee 2

²⁴ Interviewee 6

²⁵ Interviewee 7

Retaining a supportive and engaged approach

It would be disingenuous to argue that only the theme of human rights would allow the Foundation to retain its current approach to funding. The decision-making structures and processes could, no doubt, be easily adapted to fund narrower, broader or connected themes. However, the human rights knowledge and expertise of staff at the Foundation is currently commended by funders and grantees as well as the approach to funding: *“the funding is at a decent level... the reporting requirements aren’t too onerous and you can have sensible conversations with knowledgeable people like Jannat and David Cutler and David Sampson... that is really important and really valuable”*.²⁶

The manner and timeliness of the Foundation’s provision of resources for the Save Our Human Rights Act campaign is particularly commendable. There is a belief that the Foundation staff are genuinely committed to the purpose of the Foundation, intellectually robust and curious: *“I think it really helps if a respected organisation like Baring is seen to be really highlighting something and offering that leadership”*.²⁷

Another: *“Often... London based organisations are slow to appreciate the fact that there are interesting things happening outside of London... encouraging London based organisations to think a bit more about and connect a bit more with places like NI and Scotland... Baring have probably been pretty good at that but there are others who are less good at it”*.²⁸

Should the current theme be enhanced further, there is every reason to believe that the current approach to grantmaking will continue, and this is to be welcomed.

²⁶ Interviewee 8

²⁷ Interviewee 7

²⁸ Interviewee 4

Budget and impact

The Foundation will understand that assessing the impact of social change projects is complex. While no doubt the Foundation is in possession of countless independent evaluations of the organisations and projects it has funded, it is difficult to attribute outcomes and impact to the efforts of one project, campaign or organisation. The counterfactual is even more difficult to ascertain.

A more helpful approach is to think of impact by applying a contribution analysis lens rather than an attribution analysis. This approach may also mitigate against the tendency of larger, more established organisations to 'over claim'. It might also be helpful to think about the impact of the Foundation's funding to date by asking grantees the following questions²⁹

- What do you do?
- Who with?
- How do the people you work with feel?
- What have they learnt?
- What are they doing differently as a result of your activities?

In response to these questions there is no doubt that organisations such as BIHR, Just Right Scotland, CAJ, RSI and the Human Rights Consortium Scotland have had impact. Legal battles have been won, MPs have supported amendments, related the stories of rights-holders and services have been secured. Despite numerous threats, the Act is still intact.

The harsh truth is that given the scale of challenges, £1.3 million a year across the four regions on its own is unlikely to have the level of impact that is required in any area the Foundation chooses to focus on. But of course, the Foundation is only one of (albeit a decreasing) number of funders in this space. To maximise impact more work is needed to pool funds to advance a shared vision and purpose.

²⁹ This 'Theory of Change' has been developed by the Scottish Human Rights Commission with Matter of Focus.

Conclusion

In conclusion, human rights law provides the framework for addressing the root causes of injustice and inequality. As a tool, human rights are being used highly effectively by lawyers and experts in the courts and legislature to affect change. They are also being used by the disadvantaged themselves to secure access to public services. The Foundation should build and further the gains of the last 15 years by creating space for strategising and collaborating, with philanthropy acting as a key ally in the struggle for the protection of human rights.

The question of whether open or invitation only funding calls is not easy to resolve. Open funding calls engage considerable staff time which might be more effectively spent on fieldwork investigating new and emerging groups. However, invitation only approaches may reduce the likelihood of applications from these groups, inadvertently signalling that the Foundation only funds 'certain organisations' and risks the sector and funders operating in an echo chamber. It is suggested that the Foundation may wish to enhance its SCS programme in the following ways:

- Continue to fund anchor organisations that work across multiple thematic areas as legal hubs and anchor organisations that work across multiple thematic areas using human rights-based approaches.
- Use its established and respected reputation as a convening funder to agree a vision with CSOs and funders for what human rights are intended to achieve with a view to actioning collaborative funding models with those that share the vision.
- Take risks through open calls encouraging applications from organisations working in new and innovative ways that may not have been tried and tested but that seek to address current challenges in digital, AI and media spaces.

The threats to human rights and the rule of law are global and so any attempt to counter these threats must also be open to global and multi-disciplinary solutions with new allies that understand the world as it is today.

The Baring Foundation
8-10 Moorgate
London EC2R 6DA

www.baringfoundation.org.uk
Follow us on LinkedIn

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