

# **DFID Human Rights Practice Review**

## **Synthesis Report**

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\* Disclaimer: The views presented in this paper are those of the authors and do not necessarily represent the views of DFID

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## List of Acronyms

BNWLA	Bangladesh National Women Lawyers' Association
CAR	Capability – Accountability - Responsiveness
CAT	International Convention Against Torture
CEDAW	International Convention on the Elimination of all forms of Discrimination Against Women
CESCR	International Covenant on Economic Social and Cultural Rights
CGA	Country Governance Analysis
CRC	International Convention on the Rights of the Child
CSUP	Civil Society Umbrella Programme (Uganda)
DID	Derechos, Inclusion y Desarrollo (Rights, Inclusion and Development aka Human Rights for the Poor – Peru)
DPA	Development Partnership Arrangement
FCO	Foreign and Commonwealth Office
ICCPR	International Convention on Civil and Political Rights
IHRF	International human rights framework
LIFH	Local Initiatives for Health (Malawi)
MaSSAJ	Malawi Safety, Security and Access to Justice programme
MJF	Manusher Jonno Foundation (Bangladesh)
NAO	National Audit Office (UK)
PFM	Public financial management
RAVI	Rights, Accountability and Voice Initiative (Ghana)
SHSLP	Shire Highlands Sustainable Livelihoods Programme (Malawi)
SJG	Security, Justice and Growth Programme (Nigeria)
TSP	Target Strategy Paper
UDHR	Universal Declaration of Human Rights

## Executive summary

This report looks at a selection of DFID country offices' work on human rights, to attempt to glean lessons about how far, and with what success, they use the international human rights framework (IHRF) in their work. We made case studies of DFID work in Bangladesh, Malawi, Pakistan and Peru, and also reviewed a number of other programmes with an explicit rights focus.

### Drivers of human rights work

The work that we reviewed was often driven by several factors. These included:

- DFID environment: notably the increase in ambition following the creation of DFID as a standalone department in 1997, and the personal interest of the first Secretary of State in human rights issues;
- DFID-wide policies: the 2001 Human Rights Target Strategy Paper, and latterly the mandatory inclusion of human rights in Country Governance Analyses and Development Partnership Arrangements, were all cited as important factors;

Also key, however, were more ad hoc drivers: country office staff interest and experience, Country Assistance Plans, and assessments of specific opportunities related to country context.

### The IHRF in DFID practice

There is little evidence to suggest that DFID country offices regularly explicitly integrate the international human rights framework into their work. (In fact, a paucity of evidence on the human rights dimensions of DFID's work is an important finding of our review – see below.) Much of the work we looked at was begun in the early 2000s and thus informed more by the “rights-based approach” of the 2001 Human Rights Target Strategy Paper than by any explicit use of the IHRF to structure programmes.

However, we did find *some* use of the IHRF, and work guided by international human rights standards:

- Support to local CSOs and NGOs campaigning on specific human and citizen's rights issues – e.g. land, women's rights – often focussed on monitoring state service delivery, or securing the implementation of legislation;
- Support for national level strategic work– both in advocacy for policy change, and the ‘domestication’ of international human rights standards in local laws;
- Dialogue between the UK and other governments about the realisation of international human rights standards, in relation to Development Partnership Arrangements and Country Governance Analyses.

### What worked

The selection of country cases to examine was based on examples that might offer lessons for good practice, and, importantly, cases where documentation was available. Thus, generalisations about all of DFID's work on human rights are not possible. What we can say is that, in some contexts, the following has been shown to be possible:

- Support to local CSOs working on rights can bring concrete developmental outcomes. For example, in Bangladesh, Uttaran's work on land rights secured land for 6000 people, previously illegally used by elite landowners
- Working through local Challenge Funds and umbrella organisations may allow time-intensive human rights work to be feasible in the context of “doing more with less”;
- The mandatory inclusion of a human rights pillar in DPAs can open up space to discuss human rights issues with governments, even in the context of political turmoil (e.g. Pakistan) – provided these issues are addressed with flexibility and patience. It may be that the IHRF has a legitimacy, in particular as a topic of government to government dialogue, that makes it difficult to ignore; and/or that linking it to aid disbursements acts as an incentive to take rights issues seriously;

- Staff also noted that DPAs drove greater collaboration between DFID and FCO offices in country, with perhaps the potential for a useful division of labour between the two with respect to human rights capacity-building and ‘challenge’ functions respectively.

In summary, while there are grounds for optimism regarding the possibility for DFID to make more use of the IHRF, it is also clear that better evidence will be necessary to provide more contextualised guidance on how to do this.

### **A new direction?**

The 2007 DFID Human Rights Policy Scoping Study noted an evolution in DFID’s human rights discourse, from the perspective of the 2001 TSP towards what it described as a more “rounded approach” to the underlying principles of the IHRF, exploring state obligation as well as citizen rights. We found some evidence of work that exemplifies this rounded approach, some in fact dating from around the time of the TSP. It also seems that considerable practical experience in bringing state and society together around rights and responsibilities may exist in DFID.

The 2007 Study also called for a strategic approach to the use of human rights, focussing on those areas of practice where it was mandatory (DPAs and CGAs) and where there were clear synergies with other DFID policies (e.g. good governance, equality and non-discrimination). Our finding that the mandatory DPAs and CGAs are both driving human rights work and have facilitated inter-governmental dialogue about human rights standards tends to suggest this approach.

### **Recommendations**

Despite the emergence of some mandatory reference to international human rights standards (in DPAs and CGAs), there remains a lack of institutional focus and incentives around the IHRF. DFID’s Public Service Agreement is based on the achievement of the Millennium Development Goals, not the realisation of the IHRF. It is therefore not surprising that existing monitoring and evaluation processes rarely pay explicit attention to the IHRF. Yet our review suggest that while there is interesting work being done, the lack of systematic evidence-gathering means that:

- It is difficult to assess what progress in terms of realising human rights is being made on the ground from project documentation;
- Experience and expertise on development and human rights may go unrecognised and be underused;
- There is some confusion among staff as to how the 2001 Human Rights TSP relates to the more recent governance agenda and references to the IHRF.

Better evidence-gathering on DFID’s human rights work is therefore important if human rights policy is to be further developed. Enhanced and well-disseminated monitoring and evaluation of DFID’s human rights work might:

- Facilitate systematic human rights monitoring capacity at country level to support country offices in their work on DPAs – as also called for by the NAO;
- Encourage institutional learning and the development of a community of practice across the department, helping those already active to share their experiences and build knowledge and expertise more widely;
- Provide the basis for a planned guidance note on conducting human rights assessments, and perhaps a more comprehensive manual on integrating the IHRF into DFID’s work on poverty reduction and the MDGs.

# 1. Introduction

This study follows on from the 2004 DFID Human Rights Review, which examined the use of human rights principles across DFID; and the 2007 DFID Human Rights Policy Scoping Study, which looked at what use DFID policy documents made of the specific treaties and standards set out in the international human rights framework (IHRF). The current study looks at the work of a number of DFID country offices and examines to what extent, and how, they have integrated the international human rights framework into their work. It also examined current practice in strategic level interventions (i.e. with governments or the international aid community) and other trends noted in the 2007 policy study. The selection of country cases to examine was agreed with DFID, and based on examples that they suggested might offer lessons for good practice, and cases where documentation was available. The study was a largely desk-based exercise, combining analysis of DFID project evaluations and reports (plus external literature where available) with interviews with key actors in DFID country offices and, in one case, their local partners.

As such, care must be taken in drawing general conclusions about the impact of DFID's human rights work on the ground. Two limitations in particular should be noted: (i) the review covered only a small number of programmes and projects, already known for their human rights work, and is such it does not attempt to provide a comprehensive picture of the state of human rights practice in DFID in 2008; and (ii) the monitoring and evaluation documentation that has been made available for the review tends not to focus on the human rights impact of DFID's work, nor does it link this to use of the IHRF. Output to purpose reviews are necessarily brief and while some include commentary on human rights impact, drawing on 'cluster studies', there is little in the way of concrete indicators or detail. Thus progress with "human rights sensitisation" work may be noted, but to what extent this sensitisation involved introducing people to the IHRF, or "translating" it, through discussion, into local concepts, languages and norms, is often not clear. Project Completion or external evaluation reports provide more depth and detail on impacts and processes, but are often primarily focussed on project management, and certainly not on how the project has used the IHRF.

These constraints mean that we are not able to offer generalisable lessons about the state of human rights practice in DFID in 2008, nor a comprehensive set of practical guidelines on operationalising the international human rights framework within development programming in general, and in the DFID policy and statutory context in particular. However, we have attempted to:

- Gather and share the experience and insights from some DFID country office staff engaged in human rights work, both in relation to "what works", and challenges and constraints;
- Highlight some cases that may offer some inspiration for others in DFID looking for practical guidance on linking human rights standards to development programming; and
- Examine the drivers and favourable contexts for human rights work, relating this to the findings of earlier reviews of DFID policy and practice on human rights and, in particular, discussing the possibility of building a human rights strategy at country level.

In this synthesis report, we begin by discussing the various drivers of the human rights interventions that we look at, including any context- or country-specific factors. We then discuss the evidence we have found of use of the international human rights framework by DFID country offices in their projects and programming, and what they have found has worked; and after that, in strategic long-term or national level work. We go on to review some of the challenges they encountered, and finish with a discussion of what DFID might do next. Further details of the work of DFID country offices discussed here can be found in the Annexes that present Country Case Studies, and Programme Summaries.

## 2. Drivers of human rights practice

Why do DFID country offices seek to integrate human rights into their work? What influences the possibilities for using human rights standards in this work? While this review cannot provide a comprehensive answer, themes that emerged from the country case studies are set out in Table 1.

**Table 1: drivers and shapers of DFID human rights interventions in selected countries**

DFID environment	<ul style="list-style-type: none"> <li>▪ Increasing ambition following the creation and expansion of DFID in the late 1990s (Peru)</li> <li>▪ Policy steer from the Secretary of State, then Clare Short (reflected in Human Rights TSP – also mentioned specifically by DFID Peru)</li> </ul>
DFID-wide policies	<ul style="list-style-type: none"> <li>▪ 2000 Human Rights TSP (Malawi, Peru, Pakistan)</li> <li>▪ Conditionality policy (Pakistan, Cambodia)</li> <li>▪ Country Governance Analysis (Cambodia)</li> <li>▪ Governance and Democratic Politics paper (Pakistan)</li> </ul>
DFID country office policies and factors	<ul style="list-style-type: none"> <li>▪ Country Assistance Plan (Malawi, Pakistan)</li> <li>▪ Analysis of broad country context and development strategies by DFID (Bangladesh, Peru)</li> <li>▪ Existence of ongoing human rights based programmes by DFID or strong local NGOs (Malawi)</li> <li>▪ Autonomy of DFID country office (Peru)</li> <li>▪ Individual champions (Peru)</li> </ul>
Country context	<ul style="list-style-type: none"> <li>▪ Specific opportunities or challenges provided by political events and processes (Peru, Malawi)</li> </ul>

The expansion of DFID and vision of the first Secretary of State were several times referred to as important factors in the genesis of many of the programmes examined here. Policy documents from this era, and subsequently, have been used to inform human rights work (see below). However, more idiosyncratic factors also seem important: – the relative autonomy and freedom to experiment of some DFID country offices; staff who were particularly motivated to try a human rights approach; or the existence of local opportunities, in the shape of existing projects or particular political processes that put human rights questions in the spotlight (see notes on strategic approaches below).

### 2.1 Practice and policy

In interviews, country office staff generally referred to at least one DFID policy document in describing the driving forces behind their work on human rights. The Human Rights Target Strategy Paper (2000) was most commonly referred to as a reference point, and the programmes covered in this review are generally better characterised as “rights-based” than very specifically linking to particular articles in the international human rights framework. The majority of the programmes examined in the country case studies are relatively long-standing and therefore have not been driven by the 2006 White Paper. However, it’s focus on state-society relations has some echoes in projects working on human rights obligations that predated it (see Operationalising section below) and the Capability Accountability Responsiveness framework would seem to offer scope for the continuation of these projects’ approaches.

However, in the context of budget support arrangements in Pakistan and Cambodia, DFID’s conditionality policy appears important in mandating a human rights “pillar”<sup>1</sup> quite closely linked to international human rights standards for Development Partnership Arrangements. It also appears

<sup>1</sup> along with MDGs and Public Financial Management pillars



that the Country Governance Analysis can drive an interest in human rights, as suggested by the 2007 Policy Study. The “how to” practice paper directs staff to UN human rights reports, and regional human rights bodies, and clearly frames human rights as part of states’ international obligations.<sup>2</sup> It also mentions the possibility of commissioning a human rights assessment: in Cambodia, the country office have used their separate Human Rights Assessment to feed into the CGA.

At the same time, a number of policy factors were mentioned as inhibiting efforts to integrate human rights explicitly into DFID practice. Chief among these was a lack of clear practical guidance on “how to” do this. There was some concern that the Target Strategy Paper “triangle” of participation, inclusion and fulfilling obligation is too broad, and could lead to confusion between “participatory” approaches and work targeted at specific human rights standards on the other. We therefore echo the recommendation of the 2007 Policy Study to “provide practical guidance to country offices on how to implement mandatory policy requirements”. In fact, it seems that the comment “there is a constituency in DFID who would like to see a clarification of the policy framework, with practical guidance and further training. In addition, there seems to be a general need to make the content of the policy framework and its practical implications clearer”<sup>3</sup> from the 2004 DFID Human Rights Review may still hold today.

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<sup>2</sup> DFID 2007: 13, 22

<sup>3</sup> Piron and Watkins 2004: 29

### 3. Operationalising human rights standards

#### 3.1 Explicit use of the international human rights framework

While there was clear evidence of direct use of international human rights standards in strategic level interventions, we found little evidence of explicit use of the IHRF in projects and programming. However, there was some, for example:

- Work supporting local CSOs and NGOs campaigning on citizen and human rights – often related to land (and hence an adequate standard of living), or women’s rights: the Manusher Jonno Foundation in Bangladesh and the Uganda Civil Society Umbrella Programme both supported a number of such initiatives;
- Work on ‘domesticating’ the IHRF through the adoption of national and local legislation on specific rights, by e.g. the Pastoralism in Tanzania programme, and the Ghana Rights and Voice Initiative (see Box 1), and advocacy work on women’s rights legislation by the Manusher Jonno Foundation in Bangladesh;
- Strategic level engagement with country governments, where commitments under the IHRF appear in Development Partnership Arrangements between the UK and host governments (e.g. Pakistan) and area assessed as part of Country Governance Analyses (e.g. Cambodia);
- Other strategic advocacy work – e.g. the Manusher Jonno Foundation (MJF) is, in cooperation with a number of other local NGOs, writing a shadow report to Bangladesh’s official submission to the UN Committee on the Rights of the Child;
- Peru was one of the pilot countries for Participatory Rights Assessment Methodologies (PRAMS): local CSOs used participatory techniques to develop a local understanding and “translation” of international human rights standards. Different organisations used the techniques differently: thus one incorporated them into a wider programme working with a dairy farming association; another held “self-diagnostic workshops to promote collective reflection on a group’s interpretation of rights to health, education and development. Also discussed is the assessment of responsibilities of duty bearers”.<sup>4</sup>

It should be stressed that, as noted in the Introduction, the lack of clear evidence does not necessarily mean that there is no use of international human rights standards at grassroots level – just that the available documentation does not reflect very much.

#### 3.2 Projects and programming guided by the IHRF

There was more evidence of work that was guided by international human rights standards, while not necessarily explicitly referring to the international treaties, or directed at national human rights standards. This may be around passing or implementing legislation that establishes local or national human rights standards along the lines of international standards. Box 1 gives examples of this in relation to land rights (that can be linked to the right to choose work, or to a decent standard of living) and others.

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<sup>4</sup> Wilson in Lewis 2005: 128

### **Box 1: tying human rights to local legislation**

In many cases, embedding human rights standards in national legislation may be a more fruitful approach than appealing directly to international law. For example, the “Pastoralism in Tanzania: A Right to Land, Education and Participation” project saw the articulation of pastoralist land rights in relation to the national policy, legal and institutional framework of Tanzania, for example, the Tanzanian Land Act, the Village Land Act and the Local Government Act as critical to the effectiveness and sustainability of local interventions. The passing of by-laws on key issues of governance at local level was described as the project’s most outstanding achievement. Enacted through a participatory process involving village assemblies and governments, new by-laws were approved by the District Councils and became binding laws within the framework of the Local Government Act.

In Ghana, legislative change is a core focus of the work undertaken by many of the Rights Accountability and Voice Initiative Grant Partners (RGP). A number of projects are working to ensure that existing bills are passed into law. For example, the Disability Bill has become law, supported by the activity of the Ghana Federation of the Disabled Network (GFDN); the Ghana Domestic Violence Coalition is campaigning to get the Domestic Violence Bill passed, and LAWA is promoting regulations to amend the Labour Act in relation to domestic workers. RAVI funding and inputs are serving to catalyse these processes. Furthermore, the Centre for Public Interest Law (CEPIL) has trained mining communities in paralegal and human rights issues, which the communities have used to resolve legal disputes internally.

Another approach may be using the IHRF to inform programming choices e.g. of particular CSOs to support. Thus, for example, MJF claims to be guided by the Universal Declaration of Human Rights in all its work, and has supported CSOs working on issues related to civil, political, economic and social rights standards. Examples include:

- Uttaran, a Bangladeshi CSO supported by MJF, that is working to ensure implementation of state legislation guaranteeing land rights for landless labourers in south west Bangladesh. It has achieved progress both in their standard of living (land transfers to the value of \$20m and reported rise in household incomes), ability to choose work, and exposure to political violence from local elites;
- Bangladesh National Women Lawyers’ Association (BNLWA), which both supports grassroots “vigilance teams” to intervene in cases of rights violations (e.g. domestic violence, dowry extortion) and advocate women’s rights to religious and community leaders, and links these grassroots groups to national advocacy work on legislating for women’s rights.

Elements of what the 2007 policy study referred to as “a rounded approach to the promotion of human rights... measures to promote both the capacities of ‘rights-holders’ (individuals) and the capacities of ‘duty-bearers’ (the state)”<sup>5</sup> is also evident in some of the programmes studied for this review. Working with state and society simultaneously – particularly around service delivery – on issues of economic and social rights is a recurrent theme. Boxes 2 and 4 give examples (from Uganda and Malawi) of methods used to build relationships between individuals and officials.

In Peru, the entire programme was based on an analysis that “the failed relations between state and society that resulted from the region’s post-Conquest history”<sup>6</sup> were the root cause of poverty in the Andean regions. Thus “DFID’s strategy was to help strengthen state-society relations by supporting both state and society actors separately as well as to facilitate their working together on shared agendas”.<sup>7</sup> So, in addition to the work with CSOs referred to above, this involved:

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<sup>5</sup> O’Neil et al 2007: 20

<sup>6</sup> Eyben in Lewis 2005: 45

<sup>7</sup> *ibid*: 51

- working with the Ombudsman's office, potentially a key point of contact for state and society, to encourage the office to shift from a reactive and legalistic method of working, dealing with individual cases brought to it (generally by middle class citizens) to pro-actively seek to build relationships with poorer communities around economic and social rights;
- helping establish an International Diploma in Human Rights in Health at a Peruvian university, to train professionals from the state (and also civil society) with the aim of building up a community of expertise over time.

### **Box 2: grassroots awareness and dialogue on rights to public services**

Under the Uganda Civil Society Umbrella Programme, the Uganda Fisheries and Fish Conservation Association (UFFCA) used radio programmes as a tool for educating fishing communities in five districts on the National Fisheries policy. Consequently, communities were able to hold local government to account on the provisions of the policy, as well as on other public service issues, such as clean water and roads. UNHCO brokered discussions between patients and health authorities regarding quality of services. One of the most outstanding achievements and an example of best practice, according to the Evaluation Report, is the development by the grantees of transferable and highly effective accountability tools: diaries for recording human rights abuses; question boxes for patients to air views in hospitals; and radio discussions on community issues, which reported research on local government practices, services and budget allocation, and exposed corruption.

The Malawi Shire Highlands Sustainable Livelihoods Programme also appears to have had considerable success in fostering state-society dialogue and interaction around the performance of services, with assessment reports indicating that "98% of the cases/issues presented have resulted in communities getting services or responses to the demands they made from service providers".<sup>8</sup> Radio was again used, but slightly differently: not only to facilitate access to information about rights, but also as the medium of the dialogue process. In essence, the procedure was:

- Communities, with programme staff and the Malawi Development Broadcasting Unit, identify an issue on which they wanted a response from state;
- DBU would record the discussion in the village, and finish it with clear questions from the village;
- DBU would then take the recording and play it to the relevant official; and then record their response;
- DBU then take the response and play it to the community;
- Some discussions were played on local radio – thus publicising the process and the concept.

There is apparently at least one case where the community were unsatisfied with the official response and sent the DBU back to ask for a better response – indicating that some communities at least had or had gained confidence in dealing with the state.

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<sup>8</sup> DFID 2005: 4

## 4. Using the IHRF in strategic interventions

### 4.1 With host governments

The country government context for the human rights activities covered in this review varied widely. In Peru, DFID's programmes were developed just as an authoritarian government collapsed amid corruption scandals, and a new left-of-centre government, including many former opposition and civil society activists favourable to a human rights agenda, took power. The DFID team took full advantage of this relatively favourable environment. Nevertheless, there were difficulties over specific issues e.g. health rights, where it was suspected that sensitivities over women's reproductive health rights delayed approval for a project for over a year (until a new Minister of Health came into office).

In contrast, in Pakistan, the Development Partnership Arrangement (DPA) was signed with a military-led government which was at times openly hostile to the international human rights framework. Negotiations over the specifics of the human rights content of the Arrangement have been ongoing during a period in which the government suspended certain aspects of the constitution, and declared a State of Emergency. And in Malawi, an attempt to launch a high-profile programme of support to rights-based NGOs ("TRANSFORM") was abandoned due to political sensitivities – national politics was in turmoil over presidential tenure limits, and the then government saw the programme as effectively funding its critics. However, more localised and grassroots-level programmes of support for rights education and state-citizen were able to continue.<sup>9</sup>

A lesson to draw from this varied experience might be that, while country context will affect what is possible, and how and when country offices may wish to intervene, international human rights standards have a broad legitimacy that permits relevant issues being raised with many governments, even in difficult circumstances. The experience of DFID Pakistan provides some suggestions for how to maintain inter-government dialogue on human rights in such circumstances (see box 3). It suggests that, even in difficult environments, the mandatory inclusion of a human rights pillar in the DPA can make a difference; and perhaps also that having a DPA (and the contribution to host government finances that goes with it) adds weight to DFID when raising human rights concerns with host governments.

The DPA pillars are also interesting in that they make the donor's agenda in relation to the host government explicit. Openness about its political and rights-based agenda is an important step for a donor to take – and one that may be linked to the Paris Declaration principles of mutual accountability. DFID Peru attempted to be open about its agenda, as part of its concern to acknowledge the political role of the donor. Indeed, the possibility of submitting the country programmes to parliamentary scrutiny in Peru, and by other local institutions, as part of building local accountability, was discussed. programme didn't last long enough to get to the stage of putting such ideas to the test. This has risks of course, and it may be that it does weaken the donor in relation to the recipient government. It is perhaps a more obvious course of action, and more politically feasible, where the donor has a relatively small programme and has relatively little financial leverage with the government, as was the case for DFID Peru. In different contexts, the temptation to 'buy leverage' behind the scenes, and the possibility of being charged with abusing

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<sup>9</sup> This happened despite the development of a research proposal some years earlier to study the social, institutional and political context for DFID assistance with the implementation of international human rights covenants and conventions in Malawi. While this proposal was interesting in how it attempted to link realisation of international human rights standards with poverty reduction and growth, and its focus on key institutions and their capacity, the results from it were not available for this draft of this review.

financial power, might be higher, as might the UK government's sensitivities about adopting an explicitly politicised rights agenda.

### **Box 3: the UK-Pakistan Development Partnership Arrangement**

The human rights pillar in the UK-Pakistan Development Partnership Arrangement states that the GoP will “continue to abide by its international commitments relating to human rights and [ensure] that the promotion and protection of human rights is an important principle of its national policy”. Likewise, the benchmark indicators suggested by the Government of Pakistan are rather general:

- support international efforts to achieve ratification of human rights treaties;
- work towards ratification of the ICCPR, ICESCR and CAT;
- work with the Human Rights Council;
- establish an independent National Human Rights Institution; and
- promote awareness of human rights at all levels of society, with particular emphasis on women, children and minorities.

However, this is perhaps not the weakness it at first sight appears, given the political context of a government that is very sensitive on human rights matters, and a 10 year timespan for the Arrangement. Starting from broad commitments allows human rights to be firmly established as a legitimate aspect of the UK's aid relationship with Pakistan, and gives time for more specific actions to be identified and monitored. Linking human rights to development cooperation may give the GoP an incentive to continue discussing human rights with DFID. DFID staff involved in the negotiations felt that insistence on specifics at the outset might have simply lead to deadlock, or the collapse of the Arrangement. Yet they were able to discuss specific cases of alleged human rights violations with the GoP during the state of emergency, without the broad nature of the human rights language in the Arrangement being used as a pretext to avoid the issues.

It is not possible for this Review to assess what kind of gains might have been realistic to expect with other strategies, given the domestic political tensions and multiplicity of other international agendas at play. But, given this context, it may well be an achievement to have a strategic level human rights dialogue process at all; time, effort and skill will have to be expended in developing it and making it more effective at ground level.<sup>10</sup>

One element that would be necessary to do this is having access to good quality and timely information on the human rights situation in the country. As reflected under “challenges and constraints”, DFID staff felt that their ability to engage effectively during the State of Emergency was hampered by the lack of any international body undertaking systematic and in-depth monitoring of the human rights situation.

## **4.2 With discourse, culture and an “enabling environment”**

DFID Peru's multi-sector interventions – supporting projects in health and education as well as broader citizenship and electoral support – were part of a strategic national approach. As noted above, the country office based their work on a long-term analysis of the development of the Peruvian state and society. Programmes were designed to address relationships between the state and the poor, which reproduced inequalities of power and thus perpetuated the denial of rights to certain citizens, notably indigenous people in the Andes. As well as targeting specific poverty- and rights-related outcomes, e.g. more poor and indigenous people registered and eligible for state services, they recognised that political and cultural change was also necessary. Thus, enabling grassroots CSOs to gain access to policy spaces previously closed to them, or indigenous people to make their voice heard at the Truth Commission on human rights abuses committed during the years of civil conflict, were important. They also worked with political parties to encourage discussion of human rights and poverty, aiming to make the parties more responsive to the voices of the poor.

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<sup>10</sup> Interestingly, Pakistan has recently ratified the three treaties named in the DPA.

Elsewhere, the Ghana Rights, Accountability and Voice Initiative (RAVI), for example, focussed on creating an enabling environment for citizen-state engagement as part of a broader strategy of promoting human rights and state accountability. Within that, some initiatives were directly targeted at the realisation of specific universal human rights e.g. the right to legal recourse when rights have been violated, the right to equal pay for equal work, the right to equal access to public services etc.

### **4.3 With other international actors**

Limited evidence of DFID country offices working strategically with other donors and bodies was uncovered in this study. However, there is some. In the field of human rights, the Nordics and the Swiss development agencies were unsurprisingly most cited as supportive. There are some cases of DFID working with UN bodies, e.g. developing a shared analysis of the issue of the repatriation of Afghan refugees from Pakistan with the UNHCR (also with the FCO). In this case, a productive partnership was developed whereby the UNHCR took the lead on this matter with the Government of Pakistan, with support from HMG. And in Peru, DFID was able to work with the US National Democratic Institute on human rights capacity building with political parties.

There may be various reasons for this relative lack of cross-donor harmonisation. In Peru, other organisations (particularly multilaterals) lacked the freedom to engage in some of the more radical activities that DFID did. In other cases, simple pressures of time and workload were cited as obstacles to DFID staff spending time building relationships with other donor offices.

### **4.4 Within HMG**

There appeared to be a consensus, in line with the findings of the 2007 policy study, that the FCO is better placed than DFID to carry out the “challenge” aspects of human rights work with country governments, particularly in relation to civil and political rights.<sup>11</sup> It would seem important that different representatives of HMG present a common line to country governments. However, because of differences in organisational mandates and incentives, and the usual pressures of time etc., building relationships for effective joint working is not always straightforward. Recently DPAs appear to have offered opportunities for DFID country offices to work on a regular basis with the FCO and have reportedly improved shared understandings of each other’s work and the country context in both Pakistan and Cambodia. The planned strategic human rights work in Malawi lists “support FCO activities in Malawi” as one of its principal aims.<sup>12</sup>

### **4.5 Within DFID**

There appears to have been a shift towards what the 2007 Study termed a “more rounded approach” in human rights policy making, focusing on state obligations as well as citizen’s rights. While some expressed concern that the new approach not become overly state-centric, there is also support for the governance agenda and evidence that some are making use of the possibilities that it offers, e.g. in relation to linking human rights to democratic politics, good governance, and in DFID processes such as budget support negotiations and CGAs.

An interesting example is DFID Cambodia, who have recently commissioned a Human Rights Assessment, intended to provide a human rights baseline for negotiations over a UK-Cambodia Partnership Agreement. This Assessment looks in particular at civil and political rights in the areas of freedom of association, expression, access to information and the media; and economic, social and cultural rights in the fields of women’s rights and gender equity, child rights, rights to education and health care, and land rights. The Cambodian government is very sensitive about human rights, so the process has had to be handled with care; but the assessment has been used to feed into

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<sup>11</sup> the FCO is not necessarily accustomed to working with more radical CSOs on economic and social rights issues.

<sup>12</sup> DFID Malawi 2007: 4

the Country Governance Analysis – an excellent example of using the opportunities available in DFID policies to introduce human rights.



## 5. Challenges and constraints

Bringing state and society together on human rights issues can be difficult for various reasons. We found some recognition that helping citizens make demands on the state may produce few results if the relevant state organisation: (a) does not have the technical or financial capacity to meet those demands; and (b) lacks personnel open to human rights (reactions may vary from indifference or incomprehension to suspicion or hostility). In Malawi, SHSLP staff worked to overcome official suspicion of dialogue with citizens, and of human rights, both by supporting state capacity and through the concept of progressive realisation of rights (see Box 4).

### Box 4: working with shortages and scepticism in Malawi

In Malawi, the country office felt that a major constraint to the success of the livelihoods and health rights programmes was the limited ability of the state – the ‘supply’ side – to respond to community demands, due to simple lack of resources. Thus the SHSLP found that state response to community demands was hampered by e.g. lack of extension workers, lack of transportation – the programme ended up supplying officials with motorbikes to enable them to fulfil their obligations/interact with villagers. While helpful, this added significantly to the cost of the programme. In LIFH, health centre staffing levels were often part of the indicator set, with the intention that this monitoring would feed into the district health plan. In practice, this rarely led to improvements in staffing, as officials could point (understandably) to the national shortage of health workers, and many other obstacles to improving staffing levels.

Related to this incapacity to respond was initial scepticism from state officials that the programme would merely encourage communities to come up with lists of un-meetable demands. However, programme workers took the line that it was important for state officials to respond to community demands, even if all they could do was explain why it was not possible to meet those demands; they had an obligation to respond in some way. The experience of doing this seemed to change attitudes and make officials more willing to interact with communities.

Another example of an area where progress was made was in work with the Tea Estates Workers’ Union. Programme staff worked with Ministry of Labour to get recognition for the tea estate workers’ union which led to rights-based improvement in living and working conditions. The workers challenged the estates managers over conditions for workers on the estates – issues such as near total lack of clean water and sanitation in worker accommodation, dangerous practices and conditions in tea factories; also gender inequalities in pay, lack of any provision for maternity leave, etc. There was considerable surprise and “some resistance”<sup>13</sup> from the management when the unions began to raise these issues. The programme was able to facilitate dialogue between management and union, and there has now been some improvement in some areas; however, progress has apparently slowed following the end of SHSLP active involvement.

CSOs often suffer from limited technical capacity, particularly in relation to managing the accounting and reporting procedures that tend to go with donor funding, but also for moving from local advocacy to national level policy work. Thus in Uganda, unrepresentative data, inconsistent policy analysis, poor presentation of arguments and lack of cohesion around messages were identified as ongoing constraints to CSOs’ capacity to affect pro-poor policy. This can place heavy demands on those working with them, whether for DFID staff or local intermediaries, in terms of time needed to develop qualitative monitoring and trust, and in terms of capacity to build capacity. MJF reported that demand easily exceeded possible supply for their well-received technical capacity building programmes.

<sup>13</sup> Chikoko: interview

The political nature of rights work must also be recognised. This can make for an unpredictable operating environment for CSOs, and by extension, for DFID staff working with them – particularly when also trying to sustain relationships with government and officials.

The cases reviewed here suggest that effective support for civil society and grassroots organisations working to claim rights doing this involves:

- flexibility with regard to external plans and timetables;
- investing time and effort in qualitative monitoring, and establishing mutual trust; and
- recognising that grassroots capacity and organisational values is as important as proficiency in bureaucratic reporting.

The latter may in turn require capacity building to help meet formal accounting and reporting standards. How far these principles are compatible with the drive within DFID to “do more with less” is perhaps debatable. Working with local umbrella organisations or trust funds, who can provide some of the time-consuming day to day management and capacity support, is perhaps one way forward. But even here time and effort will have to be invested in establishing effective relationships and reporting arrangements. The Manusher Jonno Foundation in Bangladesh offers one example of this (see Box 5); elsewhere, ForoSalud in Peru was created to link community groups, NGOs, health professionals, academics and policy makers – not always easy, but it endured and became a valuable actor in the health policy-making process.

#### **Box 5: local intermediaries – how to do more with CSOs with less?**

“As part of our doing more with less agenda, working through larger umbrella funding organisation such as MJ who can deal with the day to day management of numerous project proposals, capacity strengthening, monitoring and evaluation of projects is likely to be a model we will wish to repeat. The first lesson is not to underestimate the additional time and resource demands needed to set up and manage a complex system with a multitude of often small and organisationally weak partners.... [however] The funding is working reasonably smoothly from DFID's perspective... although there are several layers of bureaucracy (DFID, CARE, MJ Secretariat, National NGO, CBO) it does appear to be reasonably effective at managing interventions and strengthening organisations and the transaction cost to DFID is low.”

*Source: “lessons learnt” section from the 2004 summary review of MJF, p7.*

### **5.1 Challenges for DFID staff**

The National Audit Office has recently recommended, in its report on General Budget Support, that “DFID needs to set up systematic in-country monitoring to measure achievements along the dimensions of human rights in its guidance... DFID should work closely with the Foreign and Commonwealth Office and others to develop a more systematic approach to collecting evidence.”<sup>14</sup> This echoes some of the comments gathered in this study, that the lack of systematic monitoring of human rights in country hampered DFID offices’ ability to assess the impact of their work, and also to work strategically on human rights issues with government. Furthermore, few if any of the programme evaluations made use of any systematic monitoring of rights, and several referred to the lack of baseline data against which to measure progress. There is perhaps a case for DFID to be able to conduct systematic monitoring – if other agencies are not doing this.

This is perhaps symptomatic of the fact that, as noted in the 2007 Policy Scoping Study, there has been an evolution in the policy environment within DFID since the publication of the 2001 Human Rights TSP, towards greater reference to the IHRF, but without any further comprehensive statement on human rights. Some staff expressed confusion as to what DFID policy on human

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<sup>14</sup> NAO 2008: 47

rights is now, and felt that there was a need to provide better guidance at both policy and practical, operational level as to how the department wants its staff to use the IHRF in their work.

Organisational mandate is also a challenge for DFID, given the political nature of human rights work. The long term and development focus of DFID, and its concomitant need to be able to work with the government and in the country, may create a tension if it is necessary to 'challenge' governments. To some extent the 'challenge function' can be delivered by working with other organisations and at lower levels, e.g. through various forms of support for CSOs etc. One solution is to work in partnership with the FCO at country level.

A further difficulty is that country staff are measured on objectives which are not focussed on rights. This is especially important as it takes time to learn how to 'do rights work' in different contexts – what are the most promising opportunities, which are the entry points in social and political structures, and what kind of language to use when discussing rights issues (e.g. literally which words in the various local languages, as well as what is politically feasible in which area, context etc). Staff often do not have either the comprehensive local knowledge to do this (especially when they arrive, of course), nor the time to do much learning, given that their incentives in terms of the outputs they are measured on are pushing them in other directions.

Finally, and more on a project management note, overambitious programme design appears to sometimes be a problem. The interdependent nature of human rights, the need to work with rights-holders (demand-side) and duty-bearers (supply-side) simultaneously, the demands of local context and political sensitivity, and lack of experience, appear to have led to a number of programmes whose scope and ambition has made achievement of objectives within the timeframe available unlikely, and even sometimes outstripped the ability of country office staff to effectively manage and monitor them. MaSSAJ in particular may have suffered from this, but even the well-received DID programme in Peru has been described as "something of a fruit salad" i.e. a bit of everything.<sup>15</sup>

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<sup>15</sup> Lewis (himself one of the creators of the "salad"): interview

## 6. Conclusions and recommendations

### 6.1 Country office human rights work

There is little evidence to suggest that DFID country offices regularly explicitly integrate the international human rights framework into their work – except when it is mandatory, as in the case of DPAs and CGAs. In these cases, there is some recent experience with the strategic use of human rights standards which suggests it is possible to use them in difficult environments – with flexibility and patience. International human rights treaties are inter-governmental documents, of course, and so there may be a certain legitimacy for raising issues related to them in inter-governmental dialogue. And it seems that, while on the one hand the long-term nature of DPAs may create tensions with the “challenge” aspects of human rights work for DFID staff, on the other, and in contexts where UK budget support is significant for the host government, the inclusion of human rights in a DPA can add weight to human rights concerns by linking fulfilment of state obligations under the IHRF to access to international development finance.

Some projects have worked to integrate the IHRF directly into their work and local contexts, but it seems likely that these are the exception rather than the rule. There is evidence of staff and partners being guided by international human rights standards, but not (as far as we are aware) in a systematic way; rather, especially with civil society partners, as a set of principles which informs all their work. And there is also evidence of work on national human and citizen’s rights systems, promoting the adoption and implementation of rights legislation.

The “rounded approach” to human rights promotion, suggested by the 2007 study to be hallmark of the new governance agenda in DFID, is in fact evident in several older projects and programmes that worked with both duty bearers and rights holders (or supply and demand sides) in relation to the delivery of public services. It also seems that considerable practical experience in bringing state and society together around rights and responsibilities may exist in DFID.

There was some evidence that staff felt a lack of incentives to work on human rights, in that there was confusion and a lack of guidance about current human rights policy and practice; they were not what their performance was assessed against; and that, given the often politically difficult and long-term nature of integrating the IHRF into local contexts, such work would tend not to be done unless there were specific incentives to prioritise it. This is in some ways unsurprising, given that DFID’s mandate is to work to a Public Service Agreement based on the Millennium Development Goals rather than the IHRF. In this light it is interesting to note that, as suggested in the 2007 policy study, the mandatory conditionality policy and CGA are having an impact, by creating internal incentives to work on human rights.

### 6.2 An inadequate evidence base

However, there appears to be a lack of monitoring and evaluation of human rights standards and objectives, and a lack of knowledge management, which makes it difficult to

- know exactly what work is being done on human rights at grassroots level;
- understand the value of human rights standards to poverty reduction and the MDGs;
- share experience across DFID and develop organisational expertise.

This lack of evidence also makes it impossible to offer any general recommendations about human rights practice on the strength of the limited number of cases we have reviewed.

Therefore, for DFID to update its human rights policy and practice guidance, we would strongly suggest that a first step should be to “generate better evidence about how the realisation of human

rights has practically contributed to poverty reduction<sup>16</sup> as also suggested by the 2007 Policy Scoping Study. This in itself, however, will require change in DFID's monitoring and evaluation, and knowledge management systems. There is a pressing need for *better monitoring and evaluation of human rights impact and linkages of DFID work – at project, programme and strategic levels*. The 2004 SHSLP Annual Review noted that "It is essential for best practice that baseline studies and impact assessment are used as integral parts of even small projects. These should be tools used in the planning of activities, not just additional afterthoughts once the activities have taken place."<sup>17</sup> Such monitoring of human rights, and evaluation of the human rights impact of DFID's work, should make it much easier to disseminate lessons learnt and build a community of practice across DFID country offices. It is particularly urgent in countries where DPAs are in place.

Finally, better evidence and understanding would enable DFID to *develop a practical guidance note on operationalising international human rights framework within DFID programmes*. The policy environment has changed since the 2001 Human Rights TSP, and there are new requirements (regarding DPAs and CGAs) and new strategic opportunities (e.g. around the governance and democratic politics agenda). This creates an opportunity to set out how DFID can integrate international human rights standards into work based on poverty reduction and the MDGs (as set out in the Public Service Agreement targets). Previous studies have also identified a demand for more concrete guidance.<sup>18</sup>

Such practical guidelines, even manuals, have been developed by the UN and other agencies. They would need to be adapted for DFID, but equally they provide potentially useful material for DFID's own guidelines. Producing such general guidance might be a substantial task, and a planned note on Human Rights Assessments to feed into CGAs could be a useful first step. However, robust evidence gathering is essential to make such guidance useful and credible.

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<sup>16</sup> O'Neil et al 2007: 8

<sup>17</sup> DFID 2004: 7

<sup>18</sup> Piron and Watkins 2004: 11, 82-3

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Jane Edmondson, Acting Head of Policy Operations, and Senior Health Advisor, DFID Pakistan

Mark Lewis, former Head, DFID Peru

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