A Practical Guide to Assessing and Monitoring Human Rights in Country Programmes

SUMMARY

This How to Note recommends that country offices carry out a Human Rights Assessment.

In many countries, this will mean preparing a short document that sets out a DFID perspective from human rights analysis carried out by the FCO, EU, UN and civil society partners. In other countries, where data and analysis are slight, a few days work may be needed.

A Human Rights Assessment can provide the basis for country offices to set benchmarks and indicators in Development Partnership Agreements and programmes, which can then be monitored.

1. Introduction

A defining benefit of our development work is that poor people are able to recognise their rights, and to exercise them. Many people experience direct violations of their rights and DFID seeks to address this deficit through the policy goal that ‘the realisation of all human rights underpins sustainable development’. While this goal is complemented and secured by the full range of DFID policies, there can be specific actions we can take that will enhance the ways in which the poorest people can realise their rights. This How To Note sets out to help you identify those actions, to understand when they are sufficient, and to identify the actions that partner governments are making, or failing to make, to fulfil their obligations as ‘duty bearers’. In doing so, we are seeking to gain and demonstrate mutual respect for human rights.

In many countries, it will be a matter of drawing together good quality work by DFID and others. For example, the human rights section of the Country Governance Analysis, supplemented by other country level human rights assessments (such as those done by the UN, EU and NGOs such as Amnesty International and Human Rights Watch) will be sufficient to craft into a DFID assessment.

Rights for Poor people’ 2000 (click here).
Where current human rights data is weak, further work by DFID may be needed. In most cases, a new DFID assessment would require no more than 5 days work, or where data is particularly poor, the country office may wish to commission a more comprehensive Human Rights Assessment, which is likely to require 5-10 working days.

Finally, we hope this Note will also enable country offices to strengthen their joint working with Whitehall partners, who are also bound by the Human Rights Act, and be able to lead multi-donor strategies that seek to strengthen the human rights environment in partner countries.
Contents

Part II
  - How to carry out an effective human rights assessment
  - How to use the assessment to set indicators to monitor progress

Appendices
  A  Examples of questions for assessing human rights
  B  Example of a Human Rights Assessment
  C  Information sources for human rights assessments and indicators
4. Practical Implications for country offices

4.1. The roles of FCO and DFID in relation to Human Rights

In addressing human rights, DFID and the FCO have different but complementary roles to play. The FCO leads on the overall promotion of human rights in UK external relations. DFID’s role is to lead on human rights through development co-operation\(^\text{10}\). Reflecting these different roles, FCO and DFID have different approaches to country planning and strategy. The FCO often develops country specific Human Rights Strategies whereas DFID policy is to integrate human rights considerations into its country planning process.

Assessing, monitoring and reporting on human rights are a key aspect of both FCO and DFID’s respective roles and are fundamental to the protection and promotion of human rights. Assessment work is increasingly done together, such as the joint Country Governance Analysis in Mozambique which was supported by FCO expertise and materials on the human rights situation, including the EU Mozambique Human Rights Fact-Sheet.

4.2. Using DFID’s own analysis

Drawing on DFID’s own work is important, such as the analysis provided by Strategic Conflict Assessments\(^\text{11}\). However, whether or not the country is in conflict or has recently experienced conflict, it is important that the Human Rights Assessment is sensitive to conflict issues. The human rights impact of donor funding in conflict areas or in areas of potential conflict needs to be assessed. The new Gender and Social Exclusion Analysis and Political Economy Analysis will also be useful sources.

4.3. Working with partner governments and their sensitivities to human rights.

Human rights are often a sensitive issue to partner governments and there may be a reluctance to discuss human rights or co-operate on making particular data available for analysis. A good starting point for discussion is the report and recommendations of the UN Human Rights Council under the new process to

---

\(^{10}\) International Covenant on Economic Social and Cultural Rights committed HMG to use development assistance to support governments in other countries to realise the rights of individuals.

\(^{11}\) New OECD DAC guidelines on approaching human rights and conflict.
independently assess every country’s human rights record.\textsuperscript{12} This is called the \textit{Universal Periodic Review} or more often the \textit{UPR}. As part of this process, the partner Government will have provided its own assessment of the human rights challenges it faces. If the recommendations have not been accepted, its own assessment could be the starting point for discussion. Where the UPR has not yet taken place, reports to UN human rights committees can be the starting point.

Where there is real reluctance on the part of a partner government to discuss human rights issues, the Human Rights Assessment may be able to give some pointers as to less sensitive areas, and how economic and social rights underpin the MDGs may be ideal entry points for securing progress on education and health rights. Countries, such as Pakistan, have been successful in setting human rights benchmarks in the Development Partnership Agreements.\textsuperscript{14} The FCO are experienced in pursuing human rights dialogue, particularly on the potentially more sensitive areas of civil and political rights, and are a useful source of advice and information.

It may also be possible to do part of a Human Rights Assessment with the partner Government; or to use as a basis for dialogue with the partner government. DFID Cambodia worked with the Government on their Human Rights Assessment.\textsuperscript{15}

\textbf{4.4. Using existing work of the partner Government, UN, EU and others}

Governments have to produce regular reports of their own achievements on human rights for the UN treaty bodies. Although these are not independent, they provide a good basis for dialogue, particularly where the report is recent.

The new independent UN mechanism the \textit{‘Universal Periodic Review Process’}, mentioned above, which assesses the human rights performance of every Member State, is proving to be a thorough process and will provide both useful information for a DFID Human Rights Assessment and a potential basis for dialogue with partner governments.

---

\textsuperscript{12} The UN \textit{Universal Periodic Review Mechanism} introduced in 2008 looks at every countries human rights record. Countries provide a short report on their performance across the range of human rights; NGOs also make a report; and the UN Human Rights Council holds a hearing into the countries record. The collection of UN documents, the country’s own reports and NGO reports give a comprehensive picture of the human rights situation in a country. The UN Human Rights Council makes recommendations for improvements. \texttt{(click here)}

\textsuperscript{14} The Pakistan DPA was the subject of a case study of the Report on DFID’s Practice on Human Rights. \texttt{(click here, pg 14)}

\textsuperscript{15} The Cambodia Human Rights Assessment was also a case study under the Report on DFID Human Rights Practice. \texttt{(click here, page 8, 9)}
The Office of the High Commissioner for Human Rights is currently developing indicators for all human rights. These, or other indicators can be used both as a basis for dialogue and as an evidence-base from which to agree a set of targets.

The EU produces annual Human Rights Fact-sheets on every country and although these do not always provide all the information a DFID office may need, they are a good basis for a Human Rights Assessment. The FCO leads on the UK contribution to the Fact-sheets but often involves DFID in the drafting process. Although these are restricted, the FCO post can provide the finalised local fact-sheet to DFID.

Countries also report for the MDGs and this information can be useful in human rights assessments. All the MDGs can be aligned with human rights and the tracking that is done for the MDGs can not only inform a human rights assessment but can be enhanced by what a human rights assessment brings – eg. is the country doing enough to progressively realise the right to health.

Civil Society Reports by organisations such as Human Rights Watch and Amnesty International are useful sources of information and are increasingly cover the full range of human rights including health, education and a decent standard of living. Both organisations produce annual reports on a country by country basis.

These and other sources of data are covered more fully in Appendix II.

4.5. Planning the Human Rights Assessment

It’s important to plan both the content and the process of the Human Rights Assessment. Both can present their own challenges.

On content: where data sources are scarce, finding reliable information for the content of the assessment will be difficult. It may be necessary to rely on proxy indicators, or to develop new data sources. Guidance on useful data sources is set out in Appendix C. Is the Assessment for national level country planning and PRBS? Will it also be used for sector PRBS and sector programming? If so, additional issues will need to be covered.

On process: In many cases where it is a matter of drawing together existing data, country offices will be able to do the Assessment itself. Where data is weaker, offices may want to use a consultant to collect and analyse data. Sample questions are provided in Appendix A and a fictional Human Rights Assessment in Appendix B to give an idea of the degree of effort required in carrying out a Human Rights Assessment. However, whether done by DFID or a consultant, it is valuable where possible to use the assessment process as a way of developing relationships and influencing other donors, civil society, academic institutions and government.

For information on UN human rights indicators, look at the useful breakdown of human rights and MDG indicators in Annex 1. (click here)
4.6. Planning Checklist

- Drawing on the Flowchart below, decide on the Terms of Reference;
- Consult with the FCO and engage with them throughout the process;
- Consider how partners and stakeholders will be engaged and consulted;
- What data sources will be used? Are there reliable, recent human rights assessments? (i.e. UN or EU) Ensure use of a range of independent data as well as data acceptable to government;
- Ensuring the range of human rights are assessed: both ESCR and CPR; and that the links between rights are considered;
- Aim to measure trajectory on rights, rather than absolute compliance;
- Develop human rights benchmarks and indicators against which progress can be monitored;
- Do an Assessment at least every three years to feed into the Country Plan/CGA; monitor progress on a regular basis; review the Assessment annually to ensure it is up to date.

Examples of terms of reference, assessments and sources of advice will be available on Insight.
Familiarise with this Guidance Note and other key DFID Guidance (i.e., CGA)

Plan Human Rights Assessment to address:
- Development Partnership Agreement
- Country Plan and Country Governance Analysis
- Poverty Reduction Budget Support
- Key areas of sector and other programming
- The Human Rights Act

Draft Terms of Reference for Human Rights:
Assessment and consult with FCO and other partners;

Start wider discussions with partner government, NGOs, donors

Draw on other DFID assessment work: CGA, GSEA, SCA, PRBS; and on external data sources (see Part II of this Guidance) to do the Assessment

Record discussions with partner government and set benchmarks and indicators in DPA; decide on aid instruments

If considering PRBS:
assess risks and benefits to human rights; consider

Monitor progress on Country Plan, DPA, HRA, PRBS, Programmes – using clear benchmarks and indicators.
Review Assessment annually.
PART II: DOING A HUMAN RIGHTS ASSESSMENT

5. What needs to be assessed

- Civil and political rights
- Economic, social and cultural rights
- Rights on paper; rights in practice
- Accountability.

5.1. Human rights are a modern set of individual and collective rights that have been formally promoted and protected through international and domestic law since the Universal Declaration of Human Rights (UDHR) in 1948. The international community has since established a series of legally binding international treaties that have expanded both the scope and depth of those rights. The two principle treaties are the International Convention on Civil and Political Rights (ICCPR) and the International Convention on Economic Social and Cultural Rights (ICESCR).

Categories and dimensions of human rights

5.2. Categories of human rights include civil, political, economic, social and cultural rights, which refer to different aspects of human dignity. The three dimensions of human rights include state obligations to respect, protect, and fulfil, which require the state to refrain from activities that violate human rights, to engage in activities to protect human rights, and to pursue policies that promote human dignity and ensure the progressive realisation of all rights.

A matrix for human rights indicators

5.3. Combining the categories and dimensions of human rights produces a matrix of six ways in which to think about human rights and relevant indicators. Each dimension carries with it separate state obligations for which there are multiple indicators that measure the status of human rights at one point in time as well as progress over time. Although it is unlikely that indicators for all dimensions for all rights are available in DFID partner countries, it is important to understand the multifaceted nature of human rights. The matrix serves as a way of unpacking and triangulating the categories and dimensions of human rights and provides a template for the collection and analysis of indicators.

5.4. States have obligations to fulfil civil and political rights as much as they have obligations to respect and fulfil economic, social and cultural (ESC) rights. The term ‘progressive realisation’ is often used in relation to ESC rights, and relates to the state’s ability to fulfil these rights within its available resources. However, it is important to note that civil and political rights are not cost free and the notion of progressive realisation can also be applied to these rights (e.g. investment in judiciaries, prisons, police forces, electoral institutions and processes).
1. Do not carry out torture, extra-judicial killings, disappearances, arbitrary detention, unfair trials, electoral intimidation, disenfranchisement

2. Measures to prevent non-state actors such as armed factions, from committing violations, such as torture, extra-judicial killings, disappearance, abduction, and electoral intimidation.

3. Investment in judiciaries, prisons, police forces, and elections, and allocation of maximum available resources

4. Do not discriminate on any grounds such as ethnic, racial, gender, caste or linguistic grounds in health, education, welfare and other ESC rights.

5. Measures to prevent non-state actors such as multi-national corporations from engaging in discriminatory behaviour that limits access to health, education, and other welfare

6. Progressive realisation Investment in health, education, and welfare, and allocation of maximum available resources

5.5 Equally, ESC rights can be ‘violated’, for example discriminating against a particular group that prevents or limits their access to services; or when a state does not invest available resources to better provide for the rights to health and education. Benchmarks are a helpful tool to assess what might be considered progress over a time period. (see boxed examples in section 7).

5.6 Accountability for human rights practices lies predominantly with the state and to a lesser extent with non-state actors (such as corporations and institutions). There are two forms of accountability related to human rights which can be described as vertical and horizontal. Vertical accountability refers to the degree to which the governed in any society have effective mechanisms for voicing their concerns and interests to those who govern them.
It also refers to the degree to which citizens have a say in the formulation and implementation of state policy across all issues. Mechanisms for vertical accountability include periodic elections, representative institutions such as political parties and interest groups, and formal bodies such as national human rights institutions or office of the ombudsman. **Horizontal accountability** refers to the degree of independent oversight between and among branches of government, such as executive-legislative powers and relations; judicial independence; and civil-military relations. Weaknesses in mechanisms for either vertical or horizontal accountability can result in a failure to respect, protect and fulfil human rights obligations.

5.7. Effective mechanisms, such as civil society, parliament and courts, are an important part of effective realisation of human rights. This is based on the assumption that if real mechanisms are in place then human rights abuses and failings will be identified and proper voice will be given in seeking remedies and redress. Unfortunately, there is often a lack of effective mechanisms, particularly in fragile states and states which are stabilising. Therefore any human rights assessment will help make judgments on the existence and relative effectiveness of such institutions and whether local opinion shows support and confidence in those institutions.

6. **Sources and data for human rights indicators**

- Treaties, Constitution, Laws
- Events based data
- Surveys
- Expert judgements.

**Common sources for human rights indicators**

6.1 There are international, regional, and national sources of data on human rights, which variously provide country offices with the ability to assess the human rights situation at one point in time and over time, which can be combined with use of benchmarks to establish some measure of ‘progressive realisation’ across all categories of rights.

6.2 Country office staff will know that availability of data varies greatly by country and by organisation. Some countries have very little data, others have much more, and yet others will have an unbalanced supply of data produced by state and non-state organisations.

**Common human rights indicators**

6.3 **Human rights indicators** include measures of the legal commitments of states to protect human rights (i.e. **rights in principle**), measures of the actual realisation of human rights (i.e. **rights in practice**), and so-called ‘proxy’ measures of human rights using administrative and socio-economic statistics. **Appendix C** contains a list of these different sources.
**Rights in principle**

6.4 Indicators for rights in principle identify country legal commitments to human rights at the domestic level in national laws; and at the international level through the ratification of international human rights treaties. Such measures can also take into account any reservations to those treaties. This data can be accessed from the Office of the High Commissioner for Human Rights in Geneva, as well as from national constitutions and laws of DFID partner countries.

**Rights in practice**

6.5 Rights in practice are those rights actually enjoyed and exercised by groups and individuals regardless of the formal commitment made by a government through treaties and laws and are crucial in demonstrating an implementation gap. The three main types of data available for measuring human rights in practice include events-based data, expert judgments, and survey-based data.

6.6 Events-based data chart the reported acts of violation committed against groups and individuals by state and non-state actors, and therefore address the dimensions of respect and protect (e.g. state or private denial of healthcare on the basis of ethnic identity, or longer prison sentences for ethnic minorities). They are derived from narrative and qualitative reports produced by foreign and domestic governmental and non-governmental organisations (e.g. UN, EU, OSCE reports, state party reports to UN Treaty Bodies, Special Rapporteur Reports, and national human rights institutions reports). All data are best if cross-referenced with other sources to increase the weight and authority of the data.

6.7 Data generated from experts’ judgement establishes how often and to what degree violations occur, and then translate such judgements into quantitative scales that are designed to achieve comparison across the world over time. Dominant examples of existing standards-based scales of human rights listed in the How To Note on Governance Analysis are Freedom House scales of civil and political liberties (annual since 1972), Cingranelli and Richards (CIRI) (annual for 1980-2004) to which this note adds the Political Terror Scale (annual for 1976-2004), and The Torture Scale (annual for 1985 to 1999).

6.8 Survey-based data track individual level perceptions of rights violations and may even capture direct or indirect individual experiences of rights violations. Dominant cross-national examples of such survey data projects include The World Values Survey, the various ‘barometer’ surveys, and The World Governance Assessment project. There are also national level survey projects on general perceptions of human rights, the human rights policies and performance of government, and retrospective evaluations of human rights.

---

17 (click here)

violations, as well as surveys of ‘at risk’ populations in conflict and post-conflict societies.

‘Proxy’ measures: Socio-economic and Administrative Statistics

6.9 Socio-economic and Administrative Statistics are data produced by national statistical offices or recognised international governmental organisations. Aggregate indicators used by some as proxy measures of economic and social rights such as the Physical Quality of Life Index (PQLI) and the Human Development Index (HDI)\(^{19}\) are linked to the notion of fulfilling social and economic rights at the national level.

6.10 At the national level, national statistical offices collect a variety of socio-economic indicators on an annual basis that should be disaggregated by gender, ethnicity, age, income, and geography in ways that can provide proxy indicators for economic and social rights. Often sample sizes make it difficult to disaggregate the data beyond these basic categories. The need to achieve the Millennium Development Goals (MDGs) has increased efforts to collect indicators relevant to human rights categories and dimensions. Data collected to report against the MDGs can provide a useful resource of data for a human rights assessment; and has the additional benefit of aligning DFID’s work on human rights and the MDGs.

7. How to use indicators for human rights assessment and monitoring

- For nation Country Plans and monitoring
- For PRBS
- For Sector Support
- For Programmes

7.1 As set out above, there are various types of data available that measure human rights either directly or indirectly, and most of them convert qualitative narrative data into quantitative data. It’s particularly important to draw on a range or basket of indicators, which will provide a more accurate picture than a single, if convenient indicator. Where data exists over a period of time, it is then possible to make a judgement about the direction of a particular trend.

\(^{19}\) There is no single source for the Physical Quality of Life Index (PQLI) as it is derived from other measures available from various international sources. In contrast, the UNDP provides annual HDI figures (click here); see also the statistical databases available from the United Nations (click here)
Doing a Human Rights Assessment at National Level (for Country Plans, CGAs, PRBS)

**Step 1: Assessing State Commitment** (Rights in principle)
Baseline assessment of human rights based on treaty ratifications and reservations; national constitution and laws
*(see Appendix A for an expanded set of questions)*

**Step 2: Assessing the human rights situation** (Rights in practice)
Assessment of rights in practice across the different dimensions and categories
*(see Appendix A, 6.2 and 6.4 for an expanded set of questions)*

<table>
<thead>
<tr>
<th>Respect</th>
<th>Protect</th>
<th>Fulfil</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main question</strong></td>
<td><strong>Main question</strong></td>
<td><strong>Main question</strong></td>
</tr>
<tr>
<td>What is the record of respect for civil, political, economic, and social rights?</td>
<td>What is the record of protection for civil, political, economic, and social rights from third party violations?</td>
<td>What is the record of fulfilment (or progressive realisation of) civil, political, economic, and social rights?</td>
</tr>
</tbody>
</table>

**Types of indicators**
- Events
- Expert judgments
- Surveys

**Types of indicators**
- Events
- Expert judgments
- Surveys

**Types of indicators**
- Socio-economic and administrative statistics
- Proxy measures

**Step 3: Process and explanation**
(Policy and practice entry points)
Assessment of reasons for the observed patterns in human rights
*(see Appendix A, 6.3 for an expanded set of questions)*

<table>
<thead>
<tr>
<th>Institutional factors</th>
<th>Behavioural factors</th>
<th>Cultural Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there mechanisms for vertical and horizontal accountability?</td>
<td>Do duty bearers make commitments to uphold rights?</td>
<td>Are there broad patterns of societal awareness, understanding, and commitment to human rights?</td>
</tr>
<tr>
<td>Are there specific mechanisms for redress?</td>
<td>Are duty bearers aware of their rights obligations?</td>
<td>Is there a culture of impunity?</td>
</tr>
<tr>
<td>Is the judiciary sufficiently independent and strong?</td>
<td>Do rights holders make rights-based claims?</td>
<td></td>
</tr>
<tr>
<td>What is the structure of incentives for committing human rights violations?</td>
<td>Are rights holders aware of their entitlements?</td>
<td></td>
</tr>
</tbody>
</table>

18
7.2 A Human Rights Assessment at a sector level will clearly look for more specific information on the sector. However, it should also draw on the national assessment, which will provide a wider context and make the links with other human rights issues. See Box 1.

Box 1: Human rights assessment in health

Rights in principle indicators show that a country has ratified without any reservations the International Covenant on Economic and Social Rights 10 years ago. The indicators show that the country has put the right to health in its constitution and has developed a national framework strategy for access to healthcare for all.

Rights in practice indicators comprised of survey data show that partial privatisation of the health service has led to de facto discrimination for poor people having access to quality healthcare (i.e. cross-tabulation between income and access to a GP shows the poor have lower access).

Socio Economic and Administrative data show that the number of GPs and the number of hours available to see GPs in the public sector has decreased over time. Key MDG indicators (life expectancy, infant mortality, mortality rate for major causes of mortality) show that the country will have difficulty achieving MDG 4, 5, and 6.

7.3 A Human Rights Assessment for a specific programme will follow a similar set of steps using similar sets of human rights indicators. For indicators that can be used for a programme for access to clean water, please see Box 2.

Box 2: A Human Rights Assessment for a Clean Water Programme

<table>
<thead>
<tr>
<th>Indicators</th>
<th>Access to clean water programme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human rights in principle</td>
<td>□ Country ratification of ICESCR, and/or appropriate regional human rights instruments</td>
</tr>
<tr>
<td></td>
<td>□ Significant reservations to ICESCR</td>
</tr>
<tr>
<td></td>
<td>□ Country ratification of relevant environmental Conventions, e.g. Aarhus Convention</td>
</tr>
<tr>
<td></td>
<td>□ Is the right to water enshrined in the Constitution or other national laws?</td>
</tr>
<tr>
<td></td>
<td>□ Constitutional articles on human rights related to water, the right to life, the right to health</td>
</tr>
<tr>
<td></td>
<td>□ Constitutional articles on procedural rights for citizens and NGOs to obtain information, to participate in decision making and have access to courts</td>
</tr>
<tr>
<td></td>
<td>□ Formal and informal laws that indirectly affect people's access to water, e.g. property rights, legal status of women, customary land laws.</td>
</tr>
<tr>
<td></td>
<td>□ Assessment and recommendations of Special Rapporteurs, e.g. the SR on the Right to Food and the SR on the Right to Health</td>
</tr>
<tr>
<td></td>
<td>□ State party reports to the Committee on Economic, Social and Cultural Rights, and the Committee’s Concluding Observations</td>
</tr>
<tr>
<td></td>
<td>□ NGO/IGO and other narrative reports on access to clean water and the main obstacles to providing clean water to all</td>
</tr>
<tr>
<td></td>
<td>□ The latter should be compared to official statistics, NSO, municipality data (in most cases the ‘duty bearer’ of providing water).</td>
</tr>
<tr>
<td>Human rights in practice</td>
<td>□ % of GDP invested in infrastructure dedicated to water and sanitation</td>
</tr>
<tr>
<td></td>
<td>□ Proximity of source of clean water</td>
</tr>
<tr>
<td>Socio-economic and administrative</td>
<td>□ Households with access to water within 200 metres</td>
</tr>
<tr>
<td>statistics</td>
<td>□ Quality of the water</td>
</tr>
<tr>
<td></td>
<td>□ Infant mortality rates</td>
</tr>
<tr>
<td></td>
<td>□ Prevalence of water-borne diseases in men, women, and children</td>
</tr>
</tbody>
</table>

Source: Adapted from UNDP (2006) Indicators for Human Rights Based Approaches to Development in UNDP Programming (Oslo and New York: UNDP).
## Human rights assessment at the sector level

### Step 1: Assessing State Commitment
(Rights in principle)
Baseline assessment questions on treaty ratification, reservation, and national legal frameworks
Choose international instruments and national legal framework relevant to the sector
(e.g. health = The 1966 International Covenant on Economic, Social, and Cultural Rights)

### Step 2: Assessing the human rights situation in the relevant sector
(Rights in practice and proxy measures)
Assessment of the rights relevant to sector across different dimensions

<table>
<thead>
<tr>
<th>Respect</th>
<th>Protect</th>
<th>Fulfil</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main question</strong></td>
<td><strong>Main question</strong></td>
<td><strong>Main question</strong></td>
</tr>
<tr>
<td>What is the record of respect for the relevant rights?</td>
<td>What is the record of protection for the rights relevant to the sector?</td>
<td>What is the record of fulfilment (or progressive realisation of) the relevant sets of rights?</td>
</tr>
<tr>
<td>Is there de facto discrimination by state institutions and authorities in the relevant sector?</td>
<td>Is the state able to prevent third party violations in that sector?</td>
<td>What trends can be observed from input, output, and outcome indicators in the sector?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Types of indicators</th>
<th>Types of indicators</th>
<th>Types of indicators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Events data</td>
<td>Events</td>
<td>Socio-economic and administrative statistics</td>
</tr>
<tr>
<td>Expert judgments</td>
<td>Expert judgments</td>
<td>Proxy measures</td>
</tr>
<tr>
<td>Surveys</td>
<td>Surveys</td>
<td></td>
</tr>
</tbody>
</table>

### Step 3: Process and explanation
(Second-order analysis and policy entry points)
Assessment of reasons for the observed patterns in the right related to the sector

<table>
<thead>
<tr>
<th>Institutional factors</th>
<th>Behavioural factors</th>
<th>Cultural Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there mechanisms for vertical and horizontal accountability, and monitoring of outcomes in the sector?</td>
<td>Do duty bearers make commitments to uphold the right related to the sector?</td>
<td>Are there broad patterns of societal awareness, understanding, and commitment to the rights?</td>
</tr>
<tr>
<td>Have judicial decisions expressly considered the rights related to the sector?</td>
<td>Do rights holders make rights-based claims in the rights related to the sector?</td>
<td>Are there cultural barriers to a full understanding of the rights?</td>
</tr>
<tr>
<td>Do other rights protections have an impact on the rights related to the sector?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Human rights assessment at the programme level

**Step 1: Assessing State Commitment**  
(Rights in principle)

Baseline assessment questions on treaty ratification, reservation, and national legal frameworks

Choose international instruments and national legal framework relevant to the programme  
(e.g. police reform = The 1966 International Civil and Political Rights; The 1st and 2nd Optional Protocols to the ICCPR; 1984 Convention Against Torture and Other Cruel and Inhuman Treatment)

**Step 2: Assessing the right situation relevant to the programme**  
(rights in practice and proxy measures)

Assessment of the rights relevant to the programme across different dimensions

<table>
<thead>
<tr>
<th>Respect</th>
<th>Protect</th>
<th>Fulfil</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Main question</strong></td>
<td><strong>Main question</strong></td>
<td><strong>Main question</strong></td>
</tr>
<tr>
<td>What is the record of respect for the relevant rights?</td>
<td>What is the record of protection for the rights relevant to the programme?</td>
<td>What is the record of fulfilment for (or progressive realisation of) the relevant sets of rights?</td>
</tr>
<tr>
<td>Is there de facto discrimination by state institutions and authorities in areas that the programme seeks to address?</td>
<td>Is the state able to prevent third party violations addressed in the programme?</td>
<td>What trends can be observed from input, output, and outcome indicators of the programme and related activities?</td>
</tr>
</tbody>
</table>

**Types of indicators**
- Events data
- Expert judgments
- Surveys

**Step 3: Process and explanation**  
(second-order analysis and policy entry points)

Assessment of reasons for the observed patterns in the rights related to the programme

<table>
<thead>
<tr>
<th>Institutional factors</th>
<th>Behavioural factors</th>
<th>Cultural Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are there mechanisms for vertical and horizontal accountability, and monitoring of outcomes related to the programme?</td>
<td>Do duty bearers make commitments to uphold the right related to the programme?</td>
<td>Are there broad patterns of societal awareness, understanding, and commitment to the rights?</td>
</tr>
<tr>
<td>Have judicial decisions expressly considered the rights related to the programme?</td>
<td>Do rights holders make rights-based claims in the rights related to the programme?</td>
<td>Are there cultural barriers to a full understanding of the relevant rights?</td>
</tr>
<tr>
<td>Do other rights protections have an impact on the rights related to the programme?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
7.3. Once the assessment is done, the next stage is to consider the implications for decision-making, country planning and programming. This will include the consideration of the human rights risks (too great for budget support?) and the human rights opportunities (possibilities of support to make better progress on achieving human rights?). It will include the design of benchmarks and indicators to measure progress in Development Partnership Agreements, budget support and programmes.

Some questions to consider include:

- Which aspects of a human rights assessment should be addressed in the country plan? Some part of the Assessment may present opportunities for action; others may be things to watch.
- Does the Assessment raise questions of whether budget support is appropriate?
- Does the Assessment raise questions of whether new programmes should be considered? Or how existing programmes should be amended?
- How should the goal/purpose/outcomes/activities of new and existing programmes address the findings of the human rights assessment?
- What is the impact of existing programmes on human rights?
- Which new benchmarks and indicators are needed to measure progress?
- Where human rights concerns are significant, how can these be addressed in DFID programmes? Higher identified spending on human rights?

The Human Rights Assessments can provide the basis for benchmarks and indicators in Development Partnership Agreements and in programmes. These will be part of the process of discussing with partners before they are finalised bearing in mind SMART principles for monitoring.
Appendix A: Questions for assessing human rights

Baseline questions for assessing state commitment to human rights

1. Which international human rights instruments has the state signed and/or ratified?
2. If applicable, which regional human rights instruments has the state signed and/or ratified?
3. Has the state made any reservations to these instruments and to what degree do the reservations undermine the true object and purpose of the instruments?
4. Does the national constitution, statute code, or other legal instruments include domestic protection for human rights? If so, which human rights are included?
5. Are there significant emergency clauses that allow the state to derogate from rights protections?
6. What legal commitments has the state made to achieving the MDGs?

Questions for assessing human rights dimensions and categories

1. What kinds of effort is the state making to implement its various rights obligations?
2. Is the state effective in preventing third party violations?
3. What level of resources is being invested in the areas of health, education, welfare, and justice?
4. What benchmarks has the government set in the areas of health, education, welfare and justice?
5. What socio-economic and political reforms are being introduced that address broader rights concerns and obligations that have been undertaken by the state?
6. What are the service delivery indicators available for measuring the degree to which states meet the needs of the population across different sectors?
7. What has been the pattern in the respect for human rights over time? Is the respect for human rights improving or deteriorating?
8. What is the pattern of respect across different categories of human rights?
9. What are the differences in attitudes of different socio-demographic groups, such as ethnicity age, income, gender, etc.? What have been individual experiences with rights violations?

Processes and explanations for observed rights patterns

1. Is the state accountable for its obligation to respect, protect, and fulfil rights?
2. Do citizens have a say in the making of laws, policies, and programmes aimed at, or with an impact on respect, protection and fulfilment of human rights?
3. Are there mechanisms in place for accountability between and among the executive, legislative, and judicial branches of government?
4. Are judiciaries independent and with power to adjudicate on questions of human rights?
5. Is there a national human rights institution, ombudsman or equivalent which oversees rights protections within the country?
6. Are there mechanisms to address individual & groups claims against state & non-state institutions?

Socio-economic questions related to rights

1. How far is the right to education fulfilled? What is the level of educational attainment (primary, secondary, tertiary); what is the picture when the statistics are disaggregated?
2. How far is the right to health fulfilled? What is the level of infant mortality and longevity in the country? What are the patterns in maternal health and access to sexual and reproductive healthcare? What are the indicators for HIV/AIDS and other diseases? What is the disaggregated picture when the statistics are broken down?
3. How far is the right to food fulfilled? What is the prevalence of hunger and under-nourishment in a country and what is the disaggregated picture?
4. What are the indicators for gender equality in terms of pay structures, access to the labour market, educational opportunities, political participation and representation?
5. What are the environmental indicators, especially those that relate to social and economic rights commitments that the state has made?
6. Does the State condone/ignore discrimination in the fulfilment of these rights; for example on grounds of gender or ethnicity, social origin or other status?
7. Have these indicators improved over time? Are the trends going up or down? Are there differences in trends for different groups?
Appendix B: Sample of a Human Rights Assessment

Executive Summary

Assessment outline and methodology
This report gives an assessment of human rights in the country with a particular focus on the Government's commitment to human rights and the progress it is making towards its obligations to respect, protect and fulfil rights of citizens. The report was produced jointly by the FCO and DFID based on desk research and interviews with key stakeholders. It is intended to provide an independent baseline on human rights in order to inform dialogue in a new development partnership agreement and for a new budget support programme.

The methodology for the assessment consisted of a desk review of reports, studies and analyses of the human rights situation with emphasis placed on tracking progress during the Government's current term in office which began in 2003. A total of 20 consultative meetings and interviews were conducted with members of the government, institutions, donors, and civil society whose views and information have been important for identifying current concerns, and priority areas for attention.

Overall assessment
There has been progress in the human rights situation in the past decade especially with regard to education, health, medical treatment for HIV/AIDS, gender equity and political participation. However, freedoms of expression and association have shown indications of deterioration since 2003. The rights of indigenous people are generally ignored by the Government and this is a key area of concern.

Economic, Social and Cultural rights
The overall picture is one of progress in the government's fulfilment of economic and social rights of its citizens, particularly in education and health sectors. Ministries have shown genuine will to achieve human rights objectives and have had regard to human rights in the design and implementation of policies to improve access to health and education services. There is a clear understanding by the government that economic development will succeed only to the extent that a well educated and healthy population drives it.

However, there are indications that land rights in indigenous areas are being eroded through increasing land alienation, limited forms of redress available to the rural poor; and infringements on indigenous people's rights to land use that are protected by law. The access to health and educations services of indigenous groups is poor.

Civil and Political Rights
The Government has so far failed to carry out or conclude proper investigations into violations of human rights by the military since 2003. However, the establishment of a new Human Rights Commission with a mandate to investigate all violations indicates a change in approach. However, it will not look at past violations.

Reform of the judiciary and strengthening of the rule of law have proceeded slowly and erratically. Lapses in government commitment have been attributed to capacity and the availability of resources and competing donor interests: Overall, there has been a pattern of avoidance by the government in relation to reform and strengthening of the rule of law.
Assessment of Main Human Rights Areas

Civil and Political Rights

| Right to life, extra-judicial killings, torture | The military have been implicated in numerous extra-judicial killings, and torture. There has until recently been a culture of impunity as the Government has taken no action. However, the Government has now established a human rights commission to investigate new allegations. This is unlikely to address public anger about past violations. |
| Freedom of expression and association | Generally tolerated until 2002 but has eroded since the January 2003 riots. Since then, municipal authorities have routinely breached freedom of expression and association by forbidding public gatherings. Trade unions are restricted. There is no free access to information. |
| Political participation | The extent of local participation has increased, including by women. However, indigenous people are poorly represented. |

Economic, Social and Cultural Rights

| Discrimination | There are issues for a number of groups but the most overwhelming is the discrimination against indigenous groups who have little access to any services and are excluded for all mainstream society. There are no clearly established remedies available to women whose rights have been violated. However, the new ‘Programme for Women’ signals a change in approach. |
| Rights of the Child | There are serious child protection issues that government should proactively address. These include sexual exploitation and trafficking of children, forced labour, work in dangerous environments, violence against children, children and conflict with the law, orphaned children, and the lack of a separate legal and judicial system for children |
| Rights to Education and Health Care | Improvements in access to education and health services since 1998 as a result of greater national budget allocations, improved planning and provision of services under the Education Sector Support Program, 2006-2010, the Health Sector Strategic Plan 2003 - 2007 and concerted efforts to collect the data to measure basic human development indicators. |
| Land rights | No indigenous communities have yet been granted of the land rights specified under the 2001 Land Law. Land rights violations of ethnic minorities have become better known over the past two years, with studies documenting the disappearance of whole communities and the prediction that more will disappear if current patterns of economic land concessions and illegal land grabbing by powerful figures continues. |

Risks and Opportunities for DFID attention and engagement

Risks: Social unrest is a strong possibility if current patterns of land alienation and discrimination against indigenous people continue. Figures show that the poorest citizens, particularly indigenous peoples, are not benefiting from donor aid that has assisted in impressive economic growth in certain sectors. Unless the rights of indigenous people to participate, to have access to services are addressed and they see benefit from growth, there are increasing indications it will develop into social unrest and even conflict.

Opportunities: The Human Rights Commission was set up in 2006 and is viewed as a test of the government’s commitment to addressing human rights issues. A clear test will be whether it addressed the human rights violations implicating the military. The Commission has the potential to become a voice on the rights of indigenous peoples; and on freedom of expression and association issues affecting NGOs and unions.
Appendix C: Resources for Human Rights Indicators

Introduction to Human Rights Indicators


Data sources for national level indicators

**Afro-Barometer:**
Survey-based data on perceptions of institutions and practices
http://www.afrobarometer.org/

**Amnesty International:**
Human rights organization that publishes global annual narrative reports.
http://www.amnesty.org

**Annual Survey of Freedom:**
Standards based measures of freedom that include political rights and civil liberties.
http://www.freedomhouse.org/

**Asia Barometer:**
Survey-based data on perceptions of institutions and practices
https://www.asiabarometer.org

**Cingranelli and Richards (CIRI) Database:**
Resource of 17 human rights measures on 160 countries.
http://www.humanrightsdata.com

**DFID sites for indicators:**

**Eurobarometer:**
Survey-based data on perceptions of institutions and practices.

**Food and Agriculture Organization (FAO):**
Good source for data on food security.

**FIDH-OMCT Observatory for Human Rights Defenders:**
Monitoring organisation for treatment of defenders.
http://www.fidh.org
http://www.omct.org

**Human Rights Watch:**
Human rights organization that produces annual global reports.
http://www.hrw.org
**Latino-Barometer:**
Survey-based data on perceptions of institutions and practices
http://www.latinobarometro.org/

**Metagora:**
Organization has piloted human rights measurement projects and assembled a database of country level organizations that measure democracy, good governance, and human rights.

**Minority Rights Group International:**
Minority rights and human rights organization that has excellent monitoring and evaluation procedures in place.
http://www.minorityrights.org/

**National Human Rights Institutions (NHRI):**
List of all countries with national human rights
http://www.nhri.net/nationaldatalist.asp

**Physicians for human rights:**
Human rights organization that has pioneered survey analysis of human rights problems in conflict-ridden societies.
http://www.phrusa.org/

**Penn World Tables:**
Database of time-series socio-economic and development indicators for the whole world.
http://pwt.econ.upenn.edu/

**Political Terror Scale:**
Measure of ‘physical integrity rights’ based on Amnesty International and US State Department Reports.
http://www.politicalterrorscale.org/

**Press Freedom Survey:**
Standards-based measures of press freedom in the whole world
http://www.freedomhouse.org/

**State party reports to UN Treaty Bodies:**
Country reports to the UN treaty bodies and concluding observations of international experts on the human rights problems that need to be addressed.
http://www2.ohchr.org/english/bodies/index.htm

**US State Department:**
Authoritative annual reports on human rights practices around the world with a focus on civil and political rights
http://www.state.gov/g/drl/hr/

**UK Foreign Office:**
Annual reports on human rights practices around the world (fewer countries covered than in Amnesty, Human Rights Watch, or US State Department)

**UNDP Human Development Index:**
Combined measure of income, longevity, and literacy for all countries.

**United Nations Statistics Division:**
Variety of indicators for social and economic development
http://unstats.un.org/unsd/
**World Bank World Development Indicators:**
Over 500 socio-economic and development time-series indicators for the whole world.
http://www.worldbank.org

**World Bank Governance Indicators:**
A variety of governance and governance related indicators. Now available over more time points and with more information on the components of the six main dimensions of governance.

**World Governance Assessment:**
Survey-based assessment of the quality of governance.
http://www.odi.org.uk/wga_governance/Publications.html

**World Public Opinion:**
Collection of public opinion surveys from around the world organized by region and topic, including development, governance, and human rights.
http://www.worldpublicopinion.org

**World Values Survey:**
Survey-based data on perceptions of institutions and practice
http://www.worldvaluessurvey.org