Amnesty International UK (AIUK) is a national section of a global movement of over three million supporters, members and activists. We represent more than 230,000 supporters in the United Kingdom. Collectively, our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights. We are independent of any government, political ideology, economic interest or religion.

For further information on any of the issues raised please contact Amnesty International UK at parliament@amnesty.org.uk

A. Summary and Key Recommendations

1. This submission focuses primarily on the coherence of DFID’s policies which affect development, while also addressing issues of impact. It draws on Amnesty International’s research and analysis around why human rights matters to sustainable development.¹

2. While DFID contributes to the realisation of social, economic and cultural rights through many elements of its programmatic activities, such as its actions to improve the lives of girls and women and its humanitarian responses to crises, it does not embed human rights consistently across its plans and strategies.

3. By failing to conceptualise the value that human rights adds to the achievement of its development goals, DFID has found it difficult to mainstream human rights across its strategic frameworks. This omission has a number of consequences:
   - DFID takes policy decisions without proper assessment of their human rights impacts.
   - DFID is not aligned with human rights initiatives undertaken by other parts of the UK government.
   - DFID cannot give effect to its policy commitments to help partner governments address the causes of poverty with particular regard to the need for rule of law and accountability.
   - DFID foregoes its potential leverage and influence over the promotion and protection of human rights internationally.

4. General recommendations
   - DFID should take steps to ensure that human rights forms part of its strategic thinking, and is reflected in its theories of change, its programmes, its impact assessments and its partnerships with governments, business and civil society.

• DFID should consider establishing a dedicated human rights team, responsible for mainstreaming human rights across the department (modelled on the Gender Team within the Policy Division) and for ensuring coherence in DFID’s approach to human rights with that pursued in other departments and with the UK’s human rights obligations.

• DFID should improve the accessibility of small funding grants for smaller civil society organisations, taking into account their constraints.

• DFID should review its role and relationship with the FCO regarding human rights, with the aim of establishing greater competence on this and strengthening collaboration between DFID and the FCO.

• DFID’s staff in the field should support human rights defenders working on issues relating to human rights and sustainable development, in line with UK Government guidance issued to diplomatic posts (August 2013) based on the EU Guidelines on human rights defenders.

5. Recommendation on giving effect to UK’s Action Plan on Business and Human Rights
• DFID should require the companies it enters into development partnerships with to undertake human rights due diligence, including proper impact assessments, as set out in the UN Guiding Principles on Business and Human Rights.

• DFID should consider the views and experiences of rights-holders in addition to governments and companies, so that these can be taken into account in evaluating the impact of DFID’s activities, as well as in designing pilot projects involving the private sector.

• DFID should implement the UK’s commitments to support and protect human rights defenders working in the context of business activities.

6. Recommendations on addressing human rights within Multilateral Development Banks
DFID’s representatives on the governing bodies of multilateral development banks should use their voting powers to ensure that these bodies:

• Develop tools to carry out robust human rights due diligence and human rights impact assessments to avoid supporting activities that are likely to cause violations.

• Align their policies to international human rights laws and standards.

• Provide timely access to information on activities they support so that affected communities can take action to defend their rights, and so that the effectiveness of their human rights safeguard policies can be measured.

7. Recommendations on influencing the post-2015 framework
DFID should promote the integration of human rights with regard to the following:

• All goals, targets and indicators in the post-2015 framework must be consistent with human rights standards and must not fall below States’ legally binding human rights obligations.

• Accountability must be embedded by the inclusion of robust human rights targets and indicators on access to justice, the right to information and ensuring that implementing laws and policies, at both the national and international levels, is consistent with human rights standards.
There must be a stand-alone transformative goal on gender equality and the human rights and empowerment of women and girls, which should include robust human rights targets and indicators, along with the mainstreaming of gender across all other goals and targets.
B. Integrating Human Rights

8. DFID’s treatment of human rights across its policies and strategies is weak, fragmented and inconsistent. There appears to be limited understanding of the international human rights framework evident in published strategies and policies, apart from a few silos such as DFID’s Governance, Open Societies and Anti-Corruption Department, and the Gender team. More worryingly, there is no shared view within DFID of the utility of human rights towards the achievement of DFID’s goals. Of the 21 policies set out on DFID’s website\(^2\), covering a wide range of development issues, less than half make any reference at all to human rights. Of the 10 DFID policies that do refer to human rights, only 3 make substantive references. Most of the others making passing references to ‘rights’, in some cases only in the titles of research studies that DFID has undertaken.

9. The marginalisation of human rights in the vast majority of DFID’s policies is inconsistent with the emphasis placed on human rights in the following policies:

- Improving the lives of girls and women in the world’s poorest countries (Jan 2014)
- Helping developing countries to be better-run and more accountable (March 2013)
- Strengthening the Commonwealth (Dec 2012)

10. There is no obvious reason why human rights should be considered to be a relevant feature of these policies, but not of the others. The discrepancy cannot be explained by the subject matter of the policies nor by the countries and contexts under consideration.

11. A positive example is provided by the focus on women’s human rights which could serve as a model for a more integrated approach on human rights more broadly. The policy paper framing work on women and girls, ‘Improving the lives of girls and women in the world’s poorest countries’ (January 2014) highlights human rights throughout. The progressive ‘Theory of Change on Tackling Violence Against Women and Girls’ (June 2012) includes women’s human rights as the ‘super impact’ of all work on this issue. Despite problems of implementation in some countries and contexts, DFID has recognised the utility of the human rights framework to advance its strategic vision for the empowerment of girls and women.

12. The omission of human rights is even more striking at a strategic level, where a succession of key documents that set out DFID’s plans and roadmaps make no reference at all to human rights. DFID’s Business Plan 2011-2015 does not refer to human rights despite the fact that these are conducive to the achievement of many aspects of the vision and priorities presented in the plan.\(^3\)

13. DFID’s Improvement Plans for 2013 and 2014 make no reference to the value that human rights might add to DFID’s objectives and priorities.\(^4\) DFID’s strategy paper, ‘Promoting innovation and evidence-based approaches to building resilience and responding to humanitarian crises’ (2012), makes no reference to human rights, as if this is not an enabling factor in creating resilience and improving the impacts of humanitarian intervention.\(^5\)

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\(^2\) See https://www.gov.uk/government/policies?departments%5B%5D=department-for-international-development


\(^4\) See https://www.gov.uk/government/publications/dfid-departmental-improvement-plan--2

strategic framework on ‘Economic development for shared prosperity and poverty reduction’ refers to human rights only in the context of property rights and land tenure. While the document emphasises that “the UK government can do more to help partner governments address the causes as well as the symptoms of poverty”, the need to respect and protect human rights is not viewed as one of “the building blocks that are crucial for countries to exit poverty” (page 1). The building blocks referred to in the document are peace, rule of law, property rights, stable business conditions, and honest and responsive governments accountable to their citizens.

14. Amnesty International is not asking DFID to tie aid to human rights conditionalities, but we believe that human rights should form part of DFID’s strategic thinking, and should be reflected in its theories of change, its programmes, its impact assessments and its partnerships with governments, business and civil society. Particular attention should be given to human rights defenders whose work makes an essential contribution to the building blocks of DFID’s strategic framework or whose work DFID funds.

15. We welcome initiatives that enable funding grants to be delivered to small organisations, such as the Tawanmandi programme in Afghanistan. However, its impacts would be greatly improved if its application process was more accessible and its reporting procedure less onerous. Several women’s rights organisations working in Afghanistan have advised Amnesty International that the monthly reporting process required by Tawanmandi is so time-consuming that it serves to reduce the success of the project.

16. Recommendations

- DFID should take steps to ensure that human rights forms part of its strategic thinking, and is reflected in its theories of change, its programmes, its impact assessments and its partnerships with governments, business and civil society.

- DFID should consider establishing a dedicated human rights team, responsible for mainstreaming human rights across the department (modelled on the Gender Team within the Policy Division) and for ensuring coherence in DFID’s approach to human rights with that pursued in other departments and with the UK’s human rights obligations.

- DFID should produce a practical guide to assessing and monitoring human rights in country programmes to ensure consistency across countries of operation.

- DFID should improve the accessibility of small funding grants for smaller organisations, taking into account their constraints.

- DFID should review its role and relationship with the FCO regarding human rights, with the aim of establishing greater competence on this and strengthening collaboration between DFID and the FCO.

C. Giving effect to UK’s Action Plan on Business and Human Rights

17. DFID places a strong emphasis in its strategies and policies on the role of the private sector. It has developed a roadmap to systematically engage business as a partner in development. It has created a dedicated private sector department and has doubled the number of private sector development advisers over the past two years.

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18. A Government Department that is so committed to “Unleashing the power of business”\(^7\) should be doing more to implement the UK’s Action Plan on Business and Human Rights.\(^8\) This plan, launched in September 2013 by two Secretaries of State – Business and Foreign Affairs – signalled a strong intent from the Government to implement the United Nations Guiding Principles on Business and Human Rights (UNGPs).\(^9\) The ministerial foreword stated that the Action Plan “embodies our commitment to protect human rights by helping UK companies understand and manage human rights. It sends a clear message of our expectations about business behaviour, both in the UK and overseas.”\(^10\)

19. It is incongruous that DFID should be doing so little to give effect to the UNGPs and does not reference them in its strategy and policy documents, despite the fact this is the first ever UN endorsed standard on business and human rights that provides a global framework for preventing and addressing the risk of adverse impacts on human rights linked to business activity.

20. The views and experiences of rights-holders, including the Free Prior and Informed Consent of indigenous peoples and the concerns of communities directly affected by business operations, need to be taken into account in evaluating the impact of DFID’s activities, as well as in project design.

21. At the very least DFID should focus on preventing adverse impacts by companies in the context of its programmatic activities that involve private sector investment.

22. DFID should also be more active in the protection of human rights defenders, taking into account the UK Government’s recognition of human rights defenders as important allies in the promotion of UK values and pursuit of UK foreign and development policy objectives. The UK’s Action Plan on Business and Human Rights includes the commitment to “Instruct our embassies and high commissions to support human rights defenders working on issues relating to business and human rights in line with EU Guidelines on human rights defenders.”\(^11\) This commitment applies to DFID staff working in the field, but there is scant evidence of how DFID is giving effect to this. DFID should have explicit plans to support and protect human rights defenders working across the full spectrum of issues pertinent to the UK’s development agenda.

23. Recommendations

- **DFID should focus on preventing adverse impacts on human rights by requiring the companies it enters into development partnerships with to undertake human rights due diligence, including proper impact assessments, as set out in the UN Guiding Principles.**

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• DFID should consider the views and experiences of rights-holders in addition to governments and companies, so that these can be taken into account in evaluating the impact of DFID’s activities, as well as in designing pilot projects involving the private sector.

• DFID should implement the UK’s commitments to support and protect human rights defenders working in the context of business activities.

D. Importance of addressing human rights in its governance role within Multilateral Development Banks

24. The UK as a shareholder and Board member of several International Financial Institutions (IFIs) has a key role to play in the governance of these institutions. Amnesty International believes that the policy positions taken by the UK’s representatives operating within these institutions engages the UK’s international human rights law obligations. In other words, if the UK’s Executive Director to the World Bank, located within DFID, votes in favour of a policy or project that is likely to cause or contribute to human rights violations, then the UK is in breach of its treaty obligations.

25. This view is supported by the 2011 UN International Law Commission’s (ILC) “Draft Articles on Responsibility of International Organizations” which states that Intergovernmental organizations, such as IFIs, are subjects to international law, and as such they have international law obligations that they must comply with. The ILC Draft Articles also specify that a State member of an Inter-governmental Organisation (IGO) would be breaking international law if it causes the IGO to commit an act that would be illegal for that State to carry out itself. This implies that a State would be breaking international law if its representative on the Board of an IFI votes in favour of a project or policy that will foreseeably permit human rights violations.

26. As a consequence of Amnesty’s evidence-based research, which demonstrates the links between IFI-funded projects and human right violations, we believe there are significant shortcomings in the measures taken by Multilateral Development Banks to avoid supporting projects that contribute to human rights violations.

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12 UK is a shareholder and board member of the World Bank, European Investment Bank, and European Bank for Reconstruction and Development. UK’s role in the governance of these institutions is shared between DFID and the Treasury.


16 Where a representative on the Board of an IFI represents several States, each State would be accountable for the instructions that it provides to that representative.

17 For example, Amnesty International published a briefing in September 2014 drawing attention to shortcomings in the World Bank’s Safeguard polices, and in its Inspection Panel procedures (complaints’ mechanism) with regard to forced evictions occurring in the context of a World Bank funded project in Badia East, Nigeria; http://www.amnesty.org/en/library/asset/AFR44/020/2014/en/8e5dbba5-ab76-4d6da067-888b966b9bf6/afr440202014en.pdf
27. Recommendations

DFID staff acting in their capacity as decision-makers within multilateral development banks should take account of the UK’s international treaty obligations to ensure that these bodies:

- Develop tools to carry out robust human rights due diligence and human rights impact assessments to avoid supporting activities that are likely to cause violations.
- Align their policies to international human rights law and standards.
- Provide timely access to information on activities they support so that affected communities can take action to defend their rights, and so that the effectiveness of their human rights safeguard policies can be measured.

E. Opportunity for DFID to ensure post-2015 framework is founded on human rights standards

28. There is widespread international agreement that human rights are central to effective economic and social development for all, ensuring that nobody and no country is left behind.

29. In the Rio+20 Outcome document “The Future We Want”, States reaffirmed “the importance of freedom, peace and security, [and] respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality and women’s empowerment and the overall commitment to just and democratic societies for development.” This builds on previous affirmations by States of the importance of human rights for development. In the Declaration on the Right to Development, States affirmed the entitlement of “every human person and all peoples to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be realized.”18 In the 2010 Millennium Development Goals (MDG) summit outcome the UN General Assembly affirmed that “our common fundamental values, including freedom, equality, solidarity, tolerance, respect for all human rights, respect for nature and shared responsibility, are essential for achieving the Millennium Development Goals.”19

30. In national and global consultations, people around the world have consistently demanded that the post-2015 framework be built on human rights and the universal values of equality, justice and security.20

31. Success in sustainable economic and social development is inextricably linked to human rights and the two must go hand in hand. It is imperative that human rights standards and principles are embedded in the Post-2015 framework to ensure that we meet the current challenges of addressing global inequality and sustainable development and do not repeat the shortcomings of the MDGs.21 In recent years a considerable body of work has demonstrated that rights-based targets and indicators can be developed and are measureable. In addition, there is a

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18 UN General Assembly, Declaration on the Right to Development, UNGA Res 41/128, 4 December 1986, article 1.
20 UN Development Group, A million voices: The world we want: A sustainable future with dignity for all, 2013.
21 For further information see Amnesty International, From promises to delivery: Putting human rights at the heart of the Millennium Development Goals, 2010 (AI index IOR 41/012/2010).
growing body of evidence to demonstrate how human rights can bring added value and a positive impact to States’ ability to deliver better socio-economic outcomes.

32. Recommendations

DFID should promote the integration of human rights into the post-2015 framework with regard to the following:

- All goals, targets and indicators in the post-2015 framework must be consistent with human rights standards and must not fall below States’ legally binding human rights obligations.

- Accountability must be embedded by the inclusion of robust human rights targets and indicators on access to justice, the right to information and ensuring that implementing laws and policies, at both the national and international levels, is consistent with human rights standards.

- There must be a stand-alone transformative goal on gender equality and the human rights and empowerment of women and girls, which should include robust human rights targets and indicators, along with the mainstreaming of gender across all other goals and targets.