

Human Rights and Budget Monitoring A Tool to Track Human Rights Realization

The Case of the Right to Housing

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Office of the High Commissioner for Human Rights

Today's presentation

- **Human Rights Based Approach (HRBA): Developments**
- **Economic, Social and Cultural Rights and Obligations**
- **The Right to Adequate Housing**
- **OHCHR Training Guide on HRBA to Budgets and Policy Monitoring: Applicability in the Case of Housing**



HRBA - Evolution since 1990s – good in practice 

Human rights actors – doing more ‘development’ work

Development actors – doing more ‘human rights’ work

2003 UN Common Understanding on HRBA:

Goal: Further the realization of human rights

Process: Guided by human rights standards and principles
(non-discrimination, participation, accountability)

Outcomes: Focus on developing the capacities of duty-bearers (Gov at all levels) and rights holders (eg. all of us which include Roma)

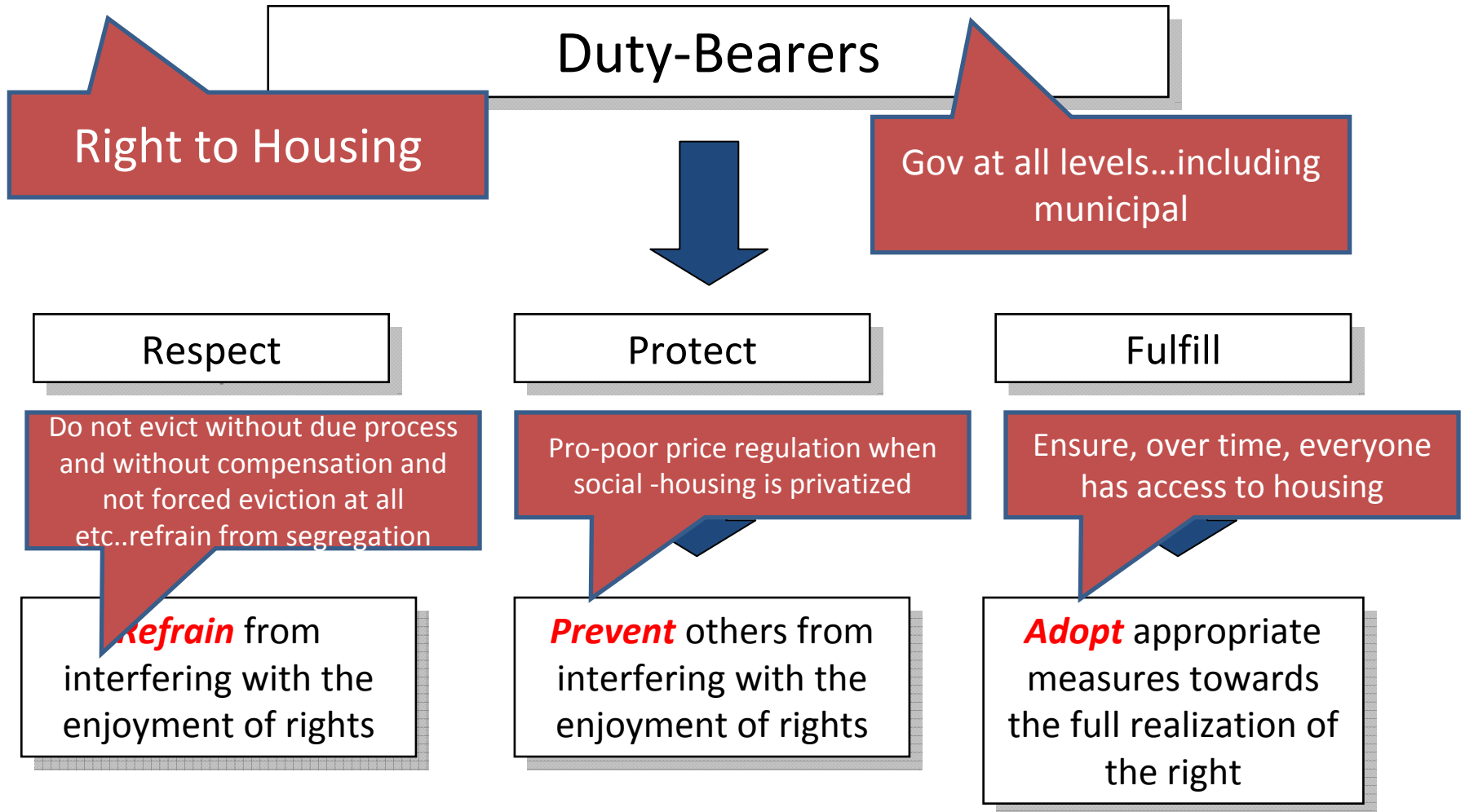


What Are Human Rights?

- Universal legal guarantees (not charity)
- Protect human values (freedom, equality, dignity)
- Civil, cultural, economic, political and social
- Give rise to duties (legally binding on States)
- Grounded in international treaties and national law
- Inherent to individuals, and to some extent, groups



Human Rights Obligations



Economic, Social and Cultural Rights

- **Immediate obligations**
 - eliminate discrimination of any kind – no segregation
 - rights not subject to progressive realization (protection)
 - to “take steps” (deliberate, concrete, targeted)
 - non-retrogressive (should not deteriorate)
 - minimum core obligations (essential levels of each right)
- **Use maximum available resources** (financial and other)
- **Progressively realize** (positive change over time)



What is Progressive Realisation?

“ Each State Party undertakes to **take steps**, individually and through international assistance and cooperation, especially economic and technical, **to the maximum of its available resources**, with a view to achieving **progressively the full realization** of the rights by all appropriate means ...” (ICESCR, Article 2)

- Acknowledges that resources are limited
- Lack of resources is not a justification for inaction
- Available resources needs to be used effectively and fully
- Progress needs to be made over time and show results



The Right to Housing: Key Aspects

- **Security of tenure** (legal protection against forced eviction, harassment and other threats)
- **Availability of services, materials, facilities and infrastructure** (essential for health, security, comfort and nutrition)
- **Affordability** (housing costs does not compromise enjoyment of other human rights – food, education etc)
- **Habitability** (adequate space, protection and physical safety)
- **Accessibility** (needs of specific disadvantaged groups taken into account)
- **Location** (economic opportunities and social services)
- **Cultural adequacy** (adaptable or acceptable)



OHCHR Training Guide

- **Human Rights Analysis**
- **Budget Analysis Process**
- **Human Rights and Budgets**
- **Basics on Budgets – cycle and other key information**
- **Principles of Equality and Non Discrimination – Progressive Realization – Maximum Available Resources and Budgets**
- **Usefulness of the guide**



Human Rights Analysis

HRBA analysis helps to answer critical questions:

Essential before planning –
programming – good
analysis!!!

→ **Who** has been left behind and **why**?

(e.g. Roma population, lack of access to adequate housing because...lack of resources...discrimination-land lord does not want rent to Roma...prices for Roma are higher...)

→ What are **they** entitled to?

(e.g. right to adequate and affordable housing, security of tenure)

→ **Who** has to do something about it?

(e.g. Government –national, regional-local must protect and provide conditions for enjoying the right to adequate housing)

→ What do **they** need to take action?

(e.g. allocate adequate resources, ensure non-discrimination, participation)



Budget Analysis Process

Is concerned about Questions on:

- macroeconomic decisions, policy priorities
- how much was allocated between ministries and departments
- how money was allocated within programs/projects
- if/where/how money was spent
- efficiency of spending, **impacts and results**

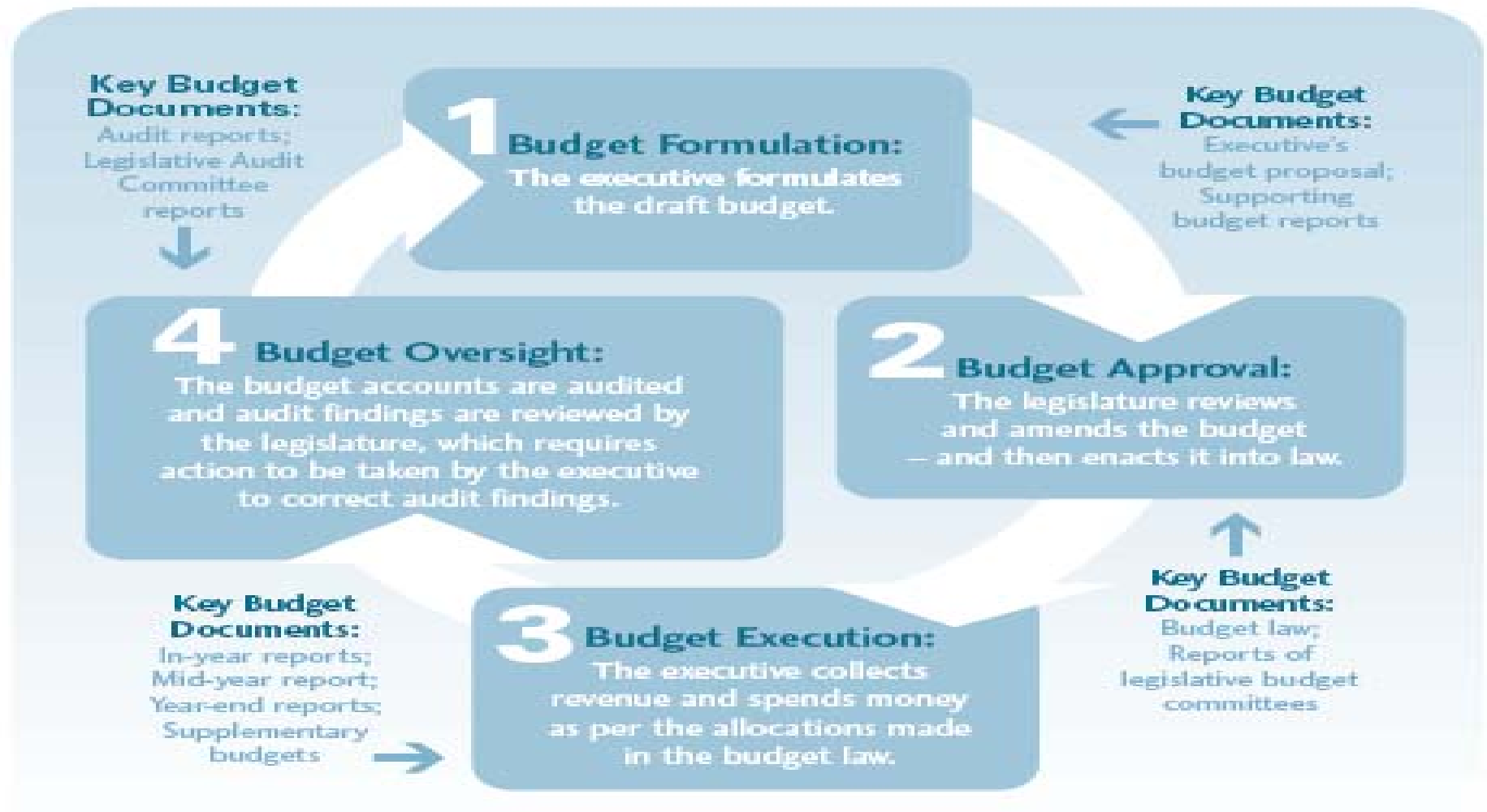


Analysis: Human Rights + Budgets

- From a human rights framework, a national budget can be defined as a process through which financial resources are allocated in compliance with state obligations to ***respect, protect*** and ***fulfill*** human rights.
- Rights-based analysis combined with budget analysis may help to:
 - Identify a right development challenge as a human rights issue
 - Understand main causes of the problem with budget implications
 - Identify actions to redress the situation, requiring budget response
 - Seek, read and retrieve needed info from policy/budget documents
 - Apply right tools and methods for analysis, advocacy
 - Raise accountability on the part of Duty-bearers to take action



Generic Budget Cycle



The Uses of the Budget

A budget is a political, economic and administrative process, and has many uses:

- **As a control tool** – to hold agencies accountable for planned revenue and expenditure;
- **As a fiscal tool** – to provide economic stability and stimulate growth;
- **As a political tool** – to facilitate prioritization of development activities, allocating appropriate resources to different activities;
- **As a planning tool** – to set out goals, costs and expected outcomes of spending.

Budget is also a tool for delivering Human Rights



Budget Classifications

- **Administrative (who?):**
e.g. government departments, ministries or agencies
- **Economic (how?):**
e.g. capital & current expenditures, salaries, goods & services
- **Functional (for what?):**
e.g. housing, health, education, defense
- In real life budgets are often of **mixed classifications**

Understanding what the different classifications offer (information) will strengthen budget work, and **what information to look for from a human rights perspective** (housing rights aspects)



Basic Budget Concepts

- Definition of government
 - general government (central, local, districts)
 - public sector, state corporations
- **Government revenue**
- **Government expenditure**
- Government financing and debt
 - external & domestic borrowing, monetary financing from the Central Bank, bonds
 - sales of public assets both financial (use of savings etc.) or non-financial (privatisation etc.)



Government Revenue

Is what the government receives from national and international sources (not including borrowing) – mostly **tax** and **non-tax** revenue

- Direct taxes
income tax, property tax etc.
- Indirect taxes
general taxes on goods and services (e.g. VAT), excise duties (e.g. alcohol tax), taxes on international trade (e.g. import tariffs)
- Non-tax revenue
social/welfare contributions, grants or transfers received from others, user-fees for public services etc.



Government Expenditure

- A basic distinction is made between:
 - **Capital expenditure:** adds to the value, life and/or use of public assets (investments into buildings, furniture, infrastructure etc.)
 - **Current expenditure:** does not add to public assets in this way (salaries and wages, procurement of services)
- These two types correspond to government **investment** and **consumption** respectively
- They are reported separately in the budget



Limitations of the Budget

The Budget does not tell all!!

- Differences between allocations and actual expenditures
- Unauthorized & un-utilized expenditures
- Leakages, local expenditures
- Inaccessible information, limited participation

These can well be key factors/reasons for human rights non-fulfillment, in some cases, violations



What is a Good Budget?

- ***transparent*** (open to public debate and scrutiny)
- ***accountable*** (people can monitor budget spending)
- ***participatory*** (considers basic needs of most people)
- ***stimulates growth*** (job creation and investment in the economy)
- ***sustainable*** (without relying on donor funding)
- ***flexible*** (reflects changing priorities and situations)
- ***operational*** (reflects the policies of the country)

For a good budget outcome, one should be able to determine:

- How much is spent?
- On what and whom it is spent?
- How well it is spent?
- Feedback from whom it spent (social audits, citizens reports)



Budget Analysis Simple Methods

- **Ratio/Share:** percentage out of total
- **Average:** average or mean value of budget allocations/spending
- **Per unit/capita calculation:** how much is allocated/spent per unit/individual
- **Analysis of trend:** comparisons of budget figures over time
- **Adjusting for inflation:** converting nominal figure to real figures

What can we learn by looking at a budget?

- Adequacy (maximum available resources, human rights standards)
- Priority (human rights standards, core content of rights)
- Progress (progressive realization)
- Equity (non-discrimination)



Equality and Non-discrimination

Examples of using above simple methods to reveal discrimination:

Revenue

- using *average after tax income*, on per capita basis, can reveal whether particular tax rates are discriminatory against certain groups (e.g. Roma)
- comparing different taxation schemes can also help to identify discrimination (progressive against flat taxation)
- whether a particular tax rate is complying with human rights (e.g. after tax income is sufficient to cover essential needs/rights)

Allocations and expenditures

- per capita allocation can help identify whether some groups are discriminated against (e.g. per capita allocation for housing being used in case of Roma has been lowest compared to other groups for many years)



Obligation of Progressive Realization

Example of using above simple methods to tentatively detect whether rights are progressively realised:

Allocations and expenditures

- Using the adjusting for inflation method, for example, one can see if real budget allocations to social housing with a specific focus on addressing the need of the most disadvantaged ones including Roma are increasing or not over time?
- Analysis should be also complemented with other socio-economic statistics (e.g. housing allocations for excluded groups including Roma are low, Roma living in slums or in segregated-like areas are high, or mortality rates are high due to living conditions)



Maximum Available Resources

Examples of using simple methods to check if the government is complying with this obligation:

Revenue

- The share of budget to GDP (if tax revenues are maximized and fully collected) may indicate inefficiency in tax collection etc.

Budget execution/expenditures

- Share of actual expenditures to initial allocation on Roma housing may raise concerns of under-expenditures, or use of funds not fully maximized
- Funds are fully disbursed but Roma housing indicators are deteriorating, which may indicate inefficiency in spending or even fund leakages, misappropriation or corruption



Civil Society Role in Budget Work

- **monitor** public spending by using budget analysis and tools
- **make** policy makers sensitive to popular needs and concerns
- **promote** awareness of government performance, human rights
- **create** public pressure on issues of the marginalised groups (Roma)
- **engage** institutions of governance to **empower** the marginalised through **advocacy** and capacity building.
- **strategize** the use of knowledge to influence policies
- But also useful tools for local authorities to track right investments...



OHCHR: What We Can Offer

- Our colleagues in HQ MDG Unit, responsible for this project, have developed sound expertise in this field
- Training on human rights and budget monitoring, analysis and advocacy
- Training and technical guidance on human rights indicators
- Training and technical guidance on economic, social and cultural rights
- Training and guidance on human rights monitoring
- Other tools, publications and resource materials
- ROE can play a facilitation and convening role, develop joint projects in cooperation with our HQ colleagues.



Thank you!



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