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ABSTRACT

The paper provides a short history of the development of **human rights budget work** and explains what human rights budget work is. It discusses the different focuses — including on transparency, on gender, and on the right to food—of current work and provides examples of some of the work done by civil society groups in different countries. It also summarizes some of the strategies used by groups in their human rights budget work. The next part of the paper focuses on the current environment for the work and opportunities for its development as well as challenges civil society groups face in doing the work. The last part of the paper makes recommendations for initiatives that need to be undertaken by civil society, governments, intergovernmental bodies and donors to encourage and facilitate the development of human rights budget work.

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Human rights budget – Economic, social and cultural rights - NGOs

THE CASE OF THE MISLAID ALLOCATION: ECONOMIC AND SOCIAL RIGHTS AND BUDGET WORK

Ann Blyberg

Human rights budget work is like detective work. Like detectives, human rights budget analysts track down clues. Like detectives, they too work to determine the relationship between the clues, and to understand what the clues, taken together, are saying about what happened and "whodunnit." Of course, budget analysts do not have the allure of the world's great detectives nor are they surrounded by the same air of mystery and adventure. However, their work is just as serious, because they also are on the trail of miscreants and they too are investigating what often turns out to be a crime.

Despite its seemingly more prosaic nature, over the past five years human rights budget work has been growing rapidly in its scope, creativity and impact. Budget work[1] brings new types of investigative tools to rights work. The findings of budget analysis provide important technical data to back up human rights claims, data that are particularly persuasive because they are often derived from the government's own figures. Budget work, when properly used, can even expose human rights abuses that may otherwise remain hidden in the dense complexity of a government's financial reports. Moreover, a human rights framework strengthens the work of civil society budget groups through infusing that work with the moral claims of human rights and grounding it in legal obligations of governments.

Groups in a range of countries have challenged budget policies and expenditures that have deprived people of their livelihoods, harmed their health, robbed them of basic education, and otherwise negatively affected their essential economic and social rights. These human rights budget groups have pressured governments to release essential budget information, so that the evidence can be examined in the light of day. They have pressed for open budget processes, so that people can find out what has been happening and hold wrongdoers accountable for their actions. In a few

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short years, in other words, budget work has proven itself to be an effective tool in furthering the enjoyment of human rights.

The following pages give some background on the development of human rights budget work and provide some details on the nitty-gritty of the "detective" work being done. They explain the different focuses of that work along with giving short descriptions of what some groups are doing. The paper then summarizes a few strategies and particular methodologies used by groups, along with trends and opportunities in, as well as challenges to doing, human rights budget work. The paper concludes with recommendations for future work.

1 Some Background

Human rights budget work is young, no more than 5-10 years old. To understand where it came from and where it is going, it is helpful to take a brief look at the broader field of civil society budget work, which itself is generally considered to have started only in the mid-1990s. Reasons that have been given for the growth of civil society budget work are:

- The end of the Cold War and increased democratization in countries around the world, and particularly in countries of the former Soviet bloc, created more hospitable environments for the growth and greater influence of civil society;
- During this same period, the United Nations, the World Bank and other international agencies focused increasing attention on "good governance" and the components thereof, including transparency, a decrease in corruption, and so on. This emphasis on "good governance," while welcomed by many human rights activists, has also at times created confusion and served as a diversion from human rights concerns. In any event, it has certainly affected the development of human rights budget work;
- In recent decades there has been increased decentralization of governments in a large number of countries. With this decentralization and the move to more local governance and local budgeting, many civil society groups have felt better able to tackle budget issues, because local budgets and local government expenditures are generally more understandable and easier to influence than is the central budget;
- During the same time many legislators became more interested in budget issues and their role in the budget processes, and civil society organizations (CSO) saw greater opportunities to influence the budget through access to and pressure on legislators;
- There have also been significant technological developments in the past couple of decades, and in particular, the more widespread use of personal computers. Budget analysis generally requires a lot of calculations. Prior to the availability of personal computers, the resources necessary to do extensive number crunching were simply beyond the reach of much of civil society; and
- A number of donors, particularly the Ford Foundation and subsequently the Open Society Institute and others, were willing to support civil society budget work.

Human rights budget work started only a few years after the broader civil society budget work had begun. The reasons for its development are the same, with one important addition: with the end of the Cold War and its ideological battles, the human rights field was able to focus significant attention on economic and social (ES) rights. While government expenditures are necessary for the realization of all rights, because of the central role of government in providing education, health care and other social services, the connection between government expenditures and human rights is more visible. Thus, as they got involved in ES rights work, human rights groups became interested in learning more about government budgets and about budget work.

2 "Human rights budget work"—What is it?

Before considering the current state of human rights budget work, perhaps it would be useful to clarify what the phrase "human rights budget work" means. Various other phrases also used to describe the work include "human rights budgeting," "budgeting or budget work from a rights perspective," and "budget analysis and ESC rights." Essentially, it is work that seeks to relate human rights to government budgets, and budget work to human rights work.

This sounds quite broad, and currently it is. Organizations working in a number of areas have used one or more of these phrases to describe their work. These organizations focus on:

- Transparency in budgeting
- Participatory budgeting
- Gender budgeting
- Children's budgets
- Budget work focusing on specific "substantive" (as opposed to "process")rights
- "Frontloading" human rights into budgets
- Macroeconomic policies and ES rights

A fuller description of these different areas of work might help to clarify what work currently falls within the ambit of "human rights budget work":

Transparency in budgeting: The most common challenge that civil society budget groups face in their work is access to the government information necessary to analyze the budget. Thus, many groups, at least initially, focus their advocacy on encouraging the government to make budget information more readily available. Their advocacy also typically includes a call for easier access to other data, such as, for example, statistics on school attendance or disease and immunization rates—information that is essential to understanding the implications of budget figures. (Of particular importance for human rights budget work are disaggregated data, that is, data broken down by key characteristics, such as ethnicity, gender and so on).

Civil society budget groups are, of course, concerned about access to information for their own work, but first and foremost they focus on transparency and access to information because they believe that all people in the country should

be able to see their government's budget. However, "transparency" is not just about seeing, but also about being able to understand, the budget. Given the complexity of most government budgets, this is difficult without specific training and skills. In response, these same groups often encourage the government to develop an alternative format for the budget– typically called a "citizens' budget"—that is more readily understandable by the ordinary person than is the formal budget[2].

While the relationship between budget transparency work and human rights is quite direct, most groups focusing on transparency do not explicitly use a human rights framework in their work, although national and international guarantees related to access to information[3] could obviously underpin and potentially strengthen it. One group that does address transparency issues while working within a rights framework is Muslims for Human Rights (MUHURI), a non-governmental organization based in Mombassa, Kenya. MUHURI monitors expenditures under the Constituency Development Fund (CDF) in Kenya's Coastal Province. Under the CDF, every Member of Parliament (MP) is entitled to allocate funds to support development projects in his/her constituency. The CDF is very popular but also controversial. A number of people and organizations are concerned about corruption and the mismanagement of the monies, as management of the CDF is shrouded in secrecy with no functioning accountability mechanisms. In the initial stages of its work, MUHURI struggled simply to access information on CDF-supported projects. When it finally succeeded in obtaining records on 14 projects in one constituency, it organized a day-long community hearing that was attended by 1,500–2,000 people. Civil society groups trained by MUHURI read out the findings of their review of the projects, and invited those attending to ask questions to the CDF officials present. This hearing demonstrated how citizens at the grassroots can demand greater transparency and accountability in the government's budget and in government operations. (RAMKUMAR; KIDAMBI, 2007).

Participatory budgeting: Another area of human rights budget work focuses on participatory budgeting. There are many civil society organizations involved in this work, which falls into two broad categories: 1) work related to government-initiated participatory budget processes, the most famous of which is undertaken in Porto Alegre, Brazil;[4] and 2) work by non-governmental groups to increase civil society involvement in and influence on the formulation and expenditure of government budgets (aside from any government-initiated process). This latter is more common. An example of civil society work in encouraging citizen participation in the budget and budget process is by the Instituto Brasileiro de Análises Sociais e Econômicas (IBASE) in Brazil, which focuses on long-term public education on budget issues. The organization has developed training packages for the general public and citizen leaders to promote budget awareness and strengthen capacity for budget monitoring, initially in Rio de Janeiro and then in other municipalities. It has also developed distance learning packages which reach 350 participants annually (ROBINSON, 2006, p. 23).

Many groups involved in participatory budgeting refer to the right of people to participate in governmental affairs, as guaranteed either in their national constitutions and laws, or in international documents[5]. Many other groups, however, do not explicitly refer to human rights guarantees—and indeed, international human rights standards guaranteeing participation are underdeveloped.

Gender budgeting: A significant number of groups around the world are involved in gender budgeting, whose principal aim has been to make gender visible in government budgets[6]. In one example of such work, Tanzania's Gender Budgeting Initiative (GBI), led by the efforts of the Tanzania Gender Networking Programme (TGNP), undertook research in teams of three—one academic (economist or sociologist), one NGO activist and one government worker. Using participatory techniques, teams identified structural and social constraints to progressive and gender responsive budgeting as well as the lack of gender awareness of policy-makers, budget officers and civil society actors. Reports were disseminated to different sectors of society, including activist organizations, government departments and external agencies. Findings were shared through working sessions and public forums with civil society, donors, policy-makers and technocrats within research areas, and groups of MPs, specifically women MPs and those active in parliamentary committees such as the Parliamentary Finance/Budget Committee. One strategy for the dissemination of findings was the publication of a popular book called *Budgeting with a Gender Focus*. In addition, dialogue was initiated with key policy-makers, the legislature and political parties to seek positive changes in discriminatory, retrogressive and gender-blind policies, laws and development programs (RUSIMBI, 2002, p. 119-125).

While gender budgeting work is motivated by a concern about inequities and discrimination in budget allocations and expenditures that are to the detriment of women, most of this work has not been explicitly shaped by international human rights norms related to gender discrimination, most notably those embodied in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). In 2006, however, an important guide was produced on how to assess a government's compliance with its CEDAW obligations through looking at its budget. This guide, *Budgeting for Women's Rights: Monitoring Government Budgets for Compliance with CEDAW*, (ELSON, 2006, p. 3) does a very thorough analysis of the relationship of CEDAW standards and obligations to government budgets, proposes ways that the treaty can be used in budget work, and highlights the "value added" of using international legal standards as a framework for evaluating a government's budget as it affects women. This guide will hopefully expand use of a human rights framework in gender budget work.

Children's budgets: Civil society groups in many countries work on "children's budgets," which are similar to gender budgets in that they seek to understand how and how much the government is allocating and spending on programs affecting children, and how the government's budget impacts children. A very important early initiative in human rights budget work was undertaken by the Children's Budget Unit (CBU) of Institute for Democracy in South Africa (IDASA). Over the course of several years, the CBU produced reports that used the human rights provisions in the South African Constitution to assess funding in the areas of health, education, housing and social development for children, making specific recommendations to the government on how it should build its programming and budgeting to better fulfill its rights obligations to children. The CBU has also worked to develop the capacity of children themselves to monitor the budget and participate in decision-making in the areas of the budget that affect them (STREAK, 2003, p. 2-3).

Budget work focusing on specific "substantive" (as opposed to "process") rights:

Because various economic and social issues, such as poverty, hunger and illiteracy, are highly complex in their causation, and because international human rights standards are themselves in the process of development, the conceptual task of relating "substantive" economic and social rights to government budgets is challenging. Budget work of this type been done to date has relied both on national constitutions and laws, and on international standards related to specific rights. The principal international documents have been the International Covenant on Economic, Social and Cultural Rights (ICESCR) and related General Comments issued by the UN Committee on Economic, Social and Cultural Rights. Despite the complexity of relating specific rights to the government's budget and budget process, some important and inspiring work has been done. For example:

- Women's Dignity in Tanzania focuses on maternal mortality in that country. Key to improving maternal mortality ratios (and thus realizing women's right to health) is ensuring access to prenatal care and emergency care during childbirth. In reviewing data on women's access to these two types of care, the organization learned that poor women in Tanzania (as in many countries) have markedly less access to these services than do the better off, with the result that disproportionately more poor women die in childbirth. Women's Dignity used budget analysis to track funds earmarked for the "delivery kits" used by midwives and doctors, and learned that these kits were not available at all facilities. The organization began a push for greater transparency in the health budget, to determine where the kits should be and if the money allocated for them was being properly spent (HOFBAUER; GARZA, 2009, p. 11-13).
- The Centro Internacional para Investigaciones en los Derechos Humanos (CIIDH) in Guatemala investigated the implementation of a school supplementary feeding program, the Vaso de Leche Escolar – VLE (school glass of milk), which was intended to help guarantee the right to food of the most food-insecure people in the country. CIIDH learned through feedback from communities as well as by examining government expenditures under the program that students in more food-secure areas of the country were benefiting disproportionately from the program, while those in more remote communities, which tended to be the most food-insecure, were either not benefiting from the program, or, if they were, delivery of the milk was erratic and the milk was often spoiled. The government was also paying more for the milk than it should have, which meant that the limited program funds were able to reach fewer communities than they could have, had the milk been bought at a more reasonable price. When a new government came into power in Guatemala, it decided to discontinue the VLE program, and substitute a more cost-effective, culturally-appropriate alternative. Many of the intended recipients of the VLE were from indigenous communities, which in Guatemala tend to be lactose-intolerant (FAO, 2009, p. 53).

"Frontloading" human rights into budgets: Current human rights budget analysis focuses primarily on what has been described as "hindsight" analysis: identifying ways that government budgets and implementation of the budgets have failed to meet

human rights standards. Some organizations are trying to develop methodologies for identifying the costs of implementing specific human rights, and to encourage those costs to be included "up front" in the formulation of national budgets[7]. In 2005, for example, the National Food and Nutrition Security Council (CONSEA) in Brazil set out to put together a "right to food budget." It has encountered significant challenges along the way, a key one of which was deciding which aspects of the society and economy are related to the right to food, and thus which areas and line items in the government's budget are relevant to the right to food. In order to make the project feasible, CONSEA decided it needed to focus only on the federal budget and limit itself to food security (rather than the broader right to food concept). Despite these limitations, for 2008 CONSEA nonetheless needed to look at 43 government programs and 143 related activities (FAO, 2009, p. 88-92).

Macroeconomic policies and ES rights: The size, content and priorities in a government's budget are determined to a significant degree by the government's macroeconomic policies. Some of these policies are adopted on the urging of international financial institutions, such as the International Monetary Fund (IMF); some are the result of political priorities otherwise chosen by governments. Because the budget should be part of a government's efforts to realize the right of its people, it should prioritize funding to programs and projects that realize human rights, such as health care services, job training and job creation programs, education and so on. If the macroeconomic policies that shape a government's budget are not human rights sensitive, this will not happen.

The effect of macroeconomic policies on human rights through their impact on the government's budget is quite a new area of research and advocacy. It has, however, been examined in some important recent reports. ActionAid has looked at the effect of "wage cap ceilings" on the capacity of governments in three countries in Africa to hire a sufficient number of teachers to help meet their right to education obligations (MARPHATIA et al., 2007). Another study focused on a range of macroeconomic policies and their impact on the right to work and other rights in Mexico and the United States (BALAKRISHNAN, 2005).

3 Approaches to human rights budget work and strategies pursued by groups

It is not surprising that to date the most common concern for those involved in human rights budget work has been the impact of government budgets on "vulnerable groups," which include the poor, women, children, indigenous peoples and minority groups. Despite sharing such common concerns, approaches to budget work can and do vary significantly, depending upon the capabilities of the organizations, the specific issues they address, and advocacy goals for their work. Because civil society budget work is young, many strategies for the work are still very much in the developmental stage. Some are currently being pursued by only a few civil society groups, and given the more recent development of human rights budget work, it is not surprising that even fewer have as yet been employed in that work.

Many civil society budget groups seek to influence the national government

budget through discussions with and lobbying of ministries or departments, and legislators. Some, increasingly frequently, are taking their concerns about the national budget to the courts. One example of work with ministries and legislators was undertaken by Fundar – Centro de Análisis e Investigación. Fundar, a Mexican NGO, was one of the first groups to locate its budget work within a human rights framework, and has done a great deal of work on health issues in Mexico. One Fundar initiative, undertaken in collaboration with other civil society groups, focused on allocations in the budget for HIV/AIDS programs, funds that appeared to have been diverted from their intended purpose by the Ministry of Health. Using the freedom of information law in the country, the coalition secured Ministry of Health documentation that confirmed their suspicion that the funds had been directed to Provida, a right-wing organization that campaigns against abortion and the use of condoms (both campaigns contrary to established government policies). Fundar helped analyze the data available about the use of the funds by Provida, and found that approximately 90% had been blatantly misused. When the Ministry of Health refused to meet with the coalition to discuss these findings, the coalition went to the media, which provided extensive coverage to the issue. Numerous other civil society groups joined the coalition, and more than 1,000 organizations put pressure on the government to investigate the case. It finally did, confirmed the findings, and called on Provida to return the funds.

Another initiative took place in Argentina, where an NGO took the government to court on a case involving budget issues. Despite the contentiousness surrounding justiciability of economic and social rights, in recent years courts in a number of countries have started to take a more active role on ES rights issues, including ones where information about the government's budget is part of the evidence. One such case was handled by the Centro de Estudios Legales y Sociales (CELS) in Argentina. In the *Mariela Viceconte* case, Argentine groups sought to pressure the government to manufacture a vaccine against Argentine hemorrhagic fever, which annually threatens the lives of the 3.5 million people who live in the endemic areas. In 1998 a Court of Appeals ordered the government to do so. Although the vaccine was to be produced and administered to the affected population by the end of 1999, CELS verified that up until July 2000 the government had not fulfilled its obligation. The organization filed a petition asking the judge to fix a new, reasonable deadline, and presented budget figures and information demonstrating that enough resources had been allocated in the budget for the manufacture of the vaccine, but the funds had not been used. The judge fixed a new deadline, which the relevant government ministries did not honor. The judge then ordered the budget funds that had been allocated for the production of the vaccine to be frozen, to prevent the government from spending them on other activities (IHRIP; FORUM-ASIA, 2000, p. 42).

While some groups, such as Fundar and CELS, work at the national level, others focus their research and advocacy on state or local-level budgets and authorities. With many governments decentralizing and a lot of civil society groups working within a single province or state, or at a local level, there are a good number of groups doing budget work that focuses on provincial/state and local budgets. The Asociación Civil por la Igualdad y la Justicia (ACIJ) in Argentina, for example, has been working on a significant initiative on the right to education, which pays particular attention to

equality in education among different neighborhoods of the capital, Buenos Aires. One of its education projects (all of which involve close work with affected communities) documented the use by the city's education department of cargo containers as extra classrooms to relieve overcrowding in schools in poor neighborhoods. ACIJ uncovered information that showed that overcrowding of schools was a greater problem in poorer neighborhoods, and that the containers were used only in those neighborhoods. It learned from analyzing the city's education budget that rental of the containers was actually more expensive on an annual basis than building additional classrooms would have been. Following publication of these results, the education authorities in Buenos Aires took steps to replace some of the containers with new classrooms.

While ACIJ examined government budget documents and financial reports to learn more about the city's expenditures on education, other organizations working at the local level have involved communities themselves in different ways of tracking expenditures. One well-documented example was a 2006 "social audit" undertaken by Mazdoor Kisan Shakti Sangathan (MKSS) together with other civil society groups in India. The audit involved the efforts of some 800 people, who examined funds spent under the National Rural Employment Guarantee Act (NREGA), which entitled rural households to 100 days annually of government employment at minimum wage. The 800 audit participants visited all the villages in Dungarpur district of Rajasthan where there were NREGA programs, meeting with approximately 140,000 individuals who had worked under the programs. The audit uncovered a large number of irregularities, and concerns about these irregularities were, in turn, raised with the district administrators in a public forum (RAMKUMAR, 2008, p. 21-23).

Before considering yet another approach to budget work (assessing impact), it is worth recalling that from a human rights perspective, it is not sufficient for a government to "do the right thing", which speaks to its obligation of conduct. Governments also have an "obligation of result," an obligation to ensure that their actions—policies, plans, budgets, programs—actually result in an increase in people's enjoyment of their rights. Work that groups do assessing the impact of government expenditures is an important way to analyze compliance with this obligation of result. In 1993, for example, the Public Affairs Centre (PAC) in India initiated a "citizen report card" survey, to measure satisfaction with municipal services (water, garbage collection, park maintenance, etc.) in Bangalore, one of the country's largest cities. The survey measured not only degrees of satisfaction, but also sought to pinpoint which aspects of services were implemented in a more, which in a less, satisfactory manner. It also looked at costs of the services. The results of the surveys—very poor grades in service provision—were publicized through the media and public meetings. Despite subsequent surveys and the attendant negative publicity, the services failed to improve in a marked way for a few years—until 2003, when the survey of that year revealed a significant increase in public satisfaction with municipal services (RAMKUMAR, 2008, p. 75-77).

Finally, it is important to stress that because of the complexity of much of budget work, the work can be most effective when undertaken in formal or informal coalitions or alliances. Through coalitions and alliances groups can access needed technical knowledge and skills on, for example, analyzing budgets or handling

statistics. Groups that do technical research and analysis can ensure that their work is grounded in reality and responsive to people's needs through allying with groups that work at the community level in service provision. Such coalitions and alliances are also a key to effective budget advocacy. For example, groups that do not normally work with government ministries or lobby legislators can work with groups that have experience in these areas and by drawing on their knowledge, skills and capacities, they can influence the national budget. Groups that lobby legislators can, in turn, maximize the impact of their lobbying if they work in alliance with groups who can turn out large numbers of people in vocal public demonstrations, which put pressure on politicians and government agencies.

A particularly significant example of effective coalition work has been provided by the Right to Food Campaign in India. In 2001 the People's Union for Civil Liberties (PUCL) filed a lawsuit to force the government to use food stocks to prevent hunger during a widespread drought. In the years since, the Indian Supreme Court has issued a number of orders related to the case that have, in effect, turned certain government programs into legal entitlements—rights. The Court appointed Commissioners to monitor the government's implementation of the Court orders. As part of their work, the Commissioners monitor the government's budget allocations and expenditures on programs. The Campaign, which now involves more than 1,000 organizations around the country, coordinates a range of activities around the Court rulings. It undertakes social audits to assess the effectiveness of the government's implementation of the programs and the Court's orders. Member organizations do independent analysis of the government's expenditures on the program, and bring their results back to the Commissioners. The Campaign also organizes public rallies and protests to bring the public's attention to the issue and keep pressure on the government (FAO, 2009, p. 82-88).

4 Trends, opportunities and challenges

Civil society budget work is expanding at a rapid pace, with a substantial (but not exclusive) focus among involved groups on issues of transparency as well as peoples' participation in various ways in the budget process. A significant number of CSOs have also developed impressive skills in analyzing budget allocations and bringing the attention of the media and legislators to their findings, while others have developed important capacities to track expenditures and organize communities around budget issues. "Human rights budget work" can be considered a subset of this broader development and is expanding in step with it.

Human rights budget work reflects the way human rights work itself has been changing and becoming increasingly complex. The emergence of work on economic and social rights has already been mentioned. Not only has this emergence meant that human rights groups take on a much broader range of issues than they have traditionally done; it has also challenged them in other ways. Because, for example, a number of the methodologies used for monitoring civil and political rights realization are not effective or relevant for monitoring economic and social rights, concurrent with the growing engagement by groups in economic and social rights work has been a search for

methodologies and tools to monitor realization of these rights. Budget analysis and other forms of budget work are perhaps the most commonly mentioned "new" methodology.

In addition to the identification and adoption of new methodologies, groups active on economic and social rights often talk about the ways in which their relationships with governmental bodies and agencies is different from the traditionally more adversarial stance taken by groups doing civil and political rights work. The difference is rooted in part in the fact that economic and social rights work necessarily addresses government policies, plans and budgets. Working with these key government documents requires discussions with government ministries, departments, agencies and officials, if only to get copies of the policies, plans and budgets. This more affirmative approach, however, is only one half of the relationship with government, as human rights budget groups also perform in the more traditional role when they confront governments with documentation about shortcomings and violations identified in their budget analyses, and demand a response and a remedy.

The relationship between the government and groups doing human rights budget work is not simply one way, with the CSOs needing something from government. Line ministries in the areas of, for example, health and education, have at times valued and encouraged the work of civil society groups that are demanding greater funding for health and education. In addition, legislators are not always just the targets of advocacy, but have often benefited from the assistance of budget groups. Because they have a responsibility to approve the Executive's budget, but typically lack the technical knowledge to understand the content of the budget in any detail, legislators often value civil society's analyses of the budget, as these provide legislators with information enabling them to do their job in a more informed manner.

The current environment also contains a number of other factors conducive for the development of human rights budget work. Because of the growth of civil society budget work in a large number of countries, human rights groups with less experience in budget work may be able to learn from (and potentially collaborate with) these more experienced groups. Much of the work these other CSOs do is relevant to human rights work, even if it has been approached from a different perspective or framed somewhat differently. In addition to civil society groups, there are also individuals (including economists within think tanks or in academia) with important technical skills, who have at times been willing to assist human rights groups with budget analysis. The challenge for human rights groups is to identify these individuals and develop collaborative relationships with them. In addition, there are important resources in civil society budget work available at the international level. The International Budget Partnership (IBP) and Revenue Watch, for instance, play key roles in enabling human rights groups to learn about work being done by other CSOs in their own and other countries.

Also conducive to the growth of human rights budget work are initiatives in the human rights field to develop and make accessible resources that are complementary to budget analysis and expenditure tracking. One such initiative, by the Center for Economic and Social Rights[8], involves developing other methodologies for monitoring "available resources" and "progressive realization," through using statistical analysis, indicators and so on. The American Association for the Advancement of Science

(AAAS) has developed a database of "'On-call' scientists," which includes the names of a large number of scientists (including social scientists and statisticians) who would like to volunteer their time to human rights work[9].

Despite the positive environmental factors and the opportunities available for human rights budget work just mentioned, groups doing the work (or those who would like to do the work) still face very substantial challenges. The most common and most significant challenge is a lack of access to government information — whether that information is the budget itself, the policy and other documents underlying the budget, or population and other data necessary to make sense of budget figures. As a result, groups interested in budget work often find that their principal task turns out to be pressuring for greater openness in government, for making the budget more readily available to civil society, and encouraging the government to gather and publicize disaggregated data that allows for analysis of the impact of the budget on specific groups.

For most human rights groups, working with government budgets also requires considerable re-tooling. Reading budgets and related documents, and doing budget analysis, are not part of the "traditional" tool set used by these groups. Even if groups rely on others to do the actual budget analysis (for example, colleagues in civil society budget groups, academic institutions or think tanks), they nonetheless have to have a sufficient level of understanding of budgets to be able to pose the appropriate questions for analysts, understand the implications of the analysts' findings, and speak with governments and others about those findings.

An additional challenge faced by human rights budget groups lies in the complexity, already alluded to, of relating human rights standards (particularly those guaranteeing "substantive" rights, such as housing, food, water) to the government's budget, the budget process and budget analysis. Moreover, knowledge and understanding of economic and social rights are not yet as developed as they need to be. This can be important, because if groups do not have a strong grasp of economic and social rights standards — what they are and how to assess compliance with international or national guarantees — then they will not be in a position to make the best use of budget monitoring and analysis in their work. While budget work has direct relevance to civil and political rights work, it is a more central tool for those working on economic and social rights.

In addition, the development of civil society budget work generally has been slowed by a "bottleneck" — a shortage of individuals in civil society groups who have experience and skills in budget work and who can provide technical assistance to groups and individuals trying to learn the work. Human rights budget work will initially be stymied for similar reasons. Until capacity is built up within a greater number of CSOs, human rights budget work will need to rely on the same cadre of budget analysts.

An additional complexity: While there is considerable activity relating government budgets to the Millennium Development Goals (MDGs) and Poverty Reduction Strategy Papers (PRSPs), both MDGs and PRSPs have their own standards and jargon. The relationship of these standards and jargon to human rights standards and terminology is often unclear, and this, in turn, can be a source of considerable confusion for those seeking to learn from the budget work of groups focused on MDGs and PRSPs.

Finally, a challenge to the rapid development of human rights budget work is resources to support the work. Although some donors are directing funding to human rights budget work, funding currently remains quite inadequate when compared with the enormous promise of the work.

5 Recommendations looking to the future

As has already been mentioned, human rights budget work is young. As a consequence, many of the key steps required to ensure the sustainability and effectiveness of the work have yet to be taken. The following paragraphs describe some activities that would contribute significantly to forwarding the work.

Firstly, the "learning curve" in budgets and human rights work is very steep. Having access to information about work already done — what groups have done, how they have approached the work, challenges they have encountered and overcome, and successes they have had — would help everyone learn faster. Human rights groups could, for example, seek out and learn from the experience of other civil society groups in their country and elsewhere working on government budgets. The IBP and other groups produce a lot of information on this work. While much of the work described through IBP resources does not take place within a rights framework, there is nonetheless a great deal that human rights groups can learn from it. At the same time other organizations are working on creating a central web-based resource for human rights budget work, which will speak directly to the specific challenges of integrating budget work and human rights work[10].

Secondly, there is a need for significant research to be undertaken on a range of topics related to human rights and budgets work, for example:

- Paul Hunt, the previous Special Rapporteur on right to health, looked closely at the relationship of government budgets to the right to health. The Right to Food Unit of the Food and Agriculture Organization of the United Nations (FAO) has done the same with regard to the right to food. Groups and institutions working on other specific rights, such as housing, education or water, should usefully undertake similar explorations.
- Budget work that is being done around specific topics, such as extractive industries, could explore how human rights relate to the issues their budget work addresses, and consider adopting a rights framework for it. Indeed, an increasing number of civil society budget groups are exploring the rights framework, as they find that it provides both a legal grounding for their work, and an agreed-upon set of priorities with regard to specific issues, such as health and education.
- There is a need for more work, such as that being done by the Center for Economic and Social Rights, to develop solid tools and methodologies (related to statistical analysis, indicators and such) for investigating and documenting economic and social rights issues. Such tools and methodologies are often a necessary complement to effective budget analysis, as they provide information that helps make sense of budget figures.

Thirdly, in a survey done by the International Network for Economic, Social and Cultural Rights (ESCR-Net) a couple of years ago, groups doing human rights budget work identified capacity-building as one of their principal needs. There are several possible approaches to capacity-building, and a number could be pursued. Groups reported, for example, that materials like *Dignity Counts: A guide to using budget analysis to advance human rights* (FUNDAR; INTERNATIONAL BUDGET PROJECT; IHRIP, 2004) are useful, and more guides on different aspects of human rights budget work, as well as work in related areas (civil society budget work generally, work on statistics and data analysis) should be developed and made widely available. In addition to these printed resources, some organizations currently run learning programs on human rights budget work[11], but these need to be offered more frequently, and, as more groups become involved in the work, should address a broader range of topics.

Civil society groups generally value technical assistance provided by skilled budget analysts who at the same time understand civil society research and advocacy work. Human rights budget work could benefit significantly from increased technical assistance. Exchange programs, where a staff member of a group doing human rights budget work spends time with a more experienced budget group or human rights group, is also an important format for capacity-building. Such exchanges allow staff taking part to learn key skills necessary to budget work through "on-the-job" training—the sort of in-depth training that is not possible in shorter-term learning programs.

Fourthly, as was already mentioned, there are many groups doing various forms of budget work that could be considered "human rights budgeting," but who do not explicitly use a rights framework. These groups, including those working on transparency as well as participatory budgeting, should be encouraged to use national and international human rights standards on access to information and participation to both develop and present their work. In addition, groups working on gender budgeting should be encouraged to use CEDAW and other international and regional human rights frameworks to design and present their work.

Finally, international bodies and mechanisms with responsibility to oversee and report on human rights situations and compliance with treaty obligations should consider the relevance of government budgets to the issues they are addressing, and take relevant budget analyses into account in data-gathering and reporting. Specifically, the Committee on Economic, Social and Cultural Rights (CESCR) should consider requiring certain basic budget information from governments submitting their periodic reports to the Committee, and encouraging civil society to include budget analysis in the alternative reports they bring to the CESCR.

6 Conclusion

Many human rights abuses are rooted in an unequal distribution of the wealth and resources of a society. Human rights budget work can be a very effective tool in pinpointing and documenting some of those inequalities, and the reasons for them. By providing them with information about government allocations and expenditures, and by developing specific recommendations for reallocation and suggesting different targets for expenditures, human rights budget work can enable citizens and civil

society groups to hone their demands, and articulate requests for quite specific actions to improve the situation.

The government's budget is a key document and an essential process in managing the financial and resource wealth of a society. Governments, if they have the political will, can shape their budgets and spend them in ways that help guarantee a more equitable distribution and use of the society's wealth. In doing so, they can ensure that at least the resources under their control are utilized in ways that best enhance the access of each and every person in the country to those basic facilities and capacities that are essential for human dignity. This is government at its best.

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NOTES

1. In this article, the term "budget work" is used to refer to a range of possible work related to a government's budget, including, in particular, budget analysis, expenditure tracking, costing, budget impact assessments and budget advocacy.

2. The International Budget Partnership (IBP) has a web page that includes more detailed information about civil society transparency initiatives (http://www.internationalbudget.org/themes/BudTrans/index.htm). In addition, IBP, in collaboration with other civil society budget groups around the world, has developed an "Open Budget Index," which rates the degree of transparency of budget processes in 85 countries (http://www.openbudgetindex.org/). Last accessed on: 5 Aug. 2009.

3. UNESCO has produced a useful resource that provides an extensive analysis of these standards (MENDEL, 2003).

4. For a fuller description of this process, see (WAGLE; SHAH, 2003).

5. For example, the Universal Declaration of Human Rights, article 21(1), and the International Covenant on Civil and Political Rights, article 25.

6. A website, hosted by the United Nations Development Fund for Women (UNIFEM) provides extensive information and resources on "Gender Responsive Budgeting" around the world: http://www.gender-budgets.org/. Last accessed on: 5 Aug. 2009.

7. One such initiative, started in early 2006 by the APRODEV Rights and Development Group, is now housed with Equalinrights. More information on this initiative is available at: http://www.equalinrights.org/budgeting-for-human-rights/. Last accessed on: 25 Jun. 2009.

8. CESR's website is at http://www.cesr.org/. Last accessed on: 25 Jun. 2009.

9. This initiative's web site is http://oncallscientists.aaas.org/default.aspx. Last accessed on: 25 Jun. 2009.

10. The International Human Rights Internship Program (IHRIP) is developing such a web page.

11. A partnership of four organizations, IHRIP, IBP, Fundar and ESCR-Net, sponsor 10-day learning programs, primarily at the regional level, on a regular basis.

RESUMOS

O artigo apresenta uma breve história do desenvolvimento da incidência em orçamentos públicos com base em direitos humanos e busca explicar o significado desse trabalho. São abordados diferentes enfoques – incluindo transparência, gênero e direito à alimentação – da incidência atualmente exercida sobre orçamentos públicos, bem como apresenta, a título exemplificativo, experiências de organizações de direitos humanos em diferentes países com relação a este trabalho. Resume também algumas estratégias empreendidas por organizações em sua incidência sobre orçamentos públicos com base em direitos humanos. A segunda parte do artigo concentra-se no contexto atual em que esta incidência se dá, analisa as oportunidades para maior desenvolvimento deste tipo de trabalho, bem como apresenta os desafios enfrentados por organizações neste campo. A última parte apresenta recomendações para futuras iniciativas por parte da sociedade civil, governos, órgãos intergovernamentais e doadores para promover e facilitar o desenvolvimento da incidência sobre orçamentos públicos com base em direitos humanos.

PALAVRAS-CHAVE

Trabalho sobre orçamento público em direitos humanos – Direitos econômicos, sociais e culturais – ONGs

RESUMEN

El artículo presenta una breve historia del desarrollo del análisis presupuestario sobre derechos humanos, y explica en qué consiste el trabajo con el presupuesto público como herramienta de exigibilidad de derechos. Discute diferentes enfoques –transparencia, género y derecho a la alimentación– del trabajo actual, y proporciona ejemplos de experiencias realizadas por grupos de la sociedad civil de diferentes países. También resume algunas de las estrategias utilizadas por grupos que realizan análisis presupuestario sobre derechos humanos y analiza las oportunidades para un mayor desarrollo de este trabajo, así como los desafíos que la sociedad civil afronta en este campo. En la última sección se formulan recomendaciones sobre iniciativas que deben ser llevadas a cabo por la sociedad civil, gobiernos, órganos intergubernamentales y donantes, para facilitar el desarrollo del trabajo de análisis presupuestario sobre derechos humanos.

PALABRAS CLAVE

Presupuesto público como herramienta de exigibilidad de derechos humanos – Derechos económicos, sociales y culturales – ONGs