

Moving Toward Human Rights Budgeting: Examples from Around the World

Background briefing prepared by NESRI, September 2011

This paper seeks to inform the design and implementation of a participatory, enforceable and human rights-based budget process, coupled with a social indicator system. Our review of local, national and international examples reveals that, to the best of our knowledge, no budget process currently exists that includes all of these aspects. This paper examines existing approaches to rights-based or normative budgeting, participatory budgeting, and social indicator frameworks. It is divided into two parts. First, this briefing will investigate examples of budgeting initiatives; second, it will review social indicator frameworks, which are needed to guide budgeting but also exist independently of any specific application in budgeting or other policy processes (*this second part is not included in this document*).

Our categories of analysis are driven by the following questions:

- Is the initiative based on human rights or other normative frameworks?
- Does the initiative include effective participation mechanisms?
- Is the initiative institutionalized to the point where it has a legal basis and statutory force (in other words, is it enforceable in budget processes?)

The goal of this briefing is to outline good practices in each of these areas in order to inform a future policy proposal that could combine the best of these elements for state-level reforms. While we include local examples (which are more numerous), our focus is on state and national level interventions that are reasonably comparable to the situation in Vermont.

1. Rights-based or Normative Budgeting

Our research has not revealed a fully human rights-based budgeting process at state or national level in the United States or internationally, despite a number of normatively driven efforts with government involvement. There is extensive literature produced by NGOs and civil society groups featuring human rights budget analysis of existing government budgeting processes at all levels. However, even where this analysis has led to a development of rights-based budgets for states or countries, these usually remain advocacy projects undertaken by NGOs without government participation. Below we discuss the limited examples of normative budgeting at national level.

Human Rights Budgeting: South Africa

South Africa is leading among the few countries that have followed UN recommendations to develop a national human rights action plan.¹ If used effectively, such a plan would include policymaking,

¹ http://www2.ohchr.org/english/issues/plan_actions/index.htm

budgeting and revenue processes, yet neither South Africa nor other countries have progressed to this level of implementation. The South African human rights action plan does have explicit budget implications, yet it is not clear to what extent these have been translated into practice.²

Much work has been done in South Africa, especially in the early post-Apartheid years, to monitor the implementation of the action plan, alongside the country's constitutional human rights commitments. Assessments were able to rely on a comprehensive list of indicators, supported by the action plan. The fourth report of the South African Human Rights Commission on the implementation of economic and social rights, which includes assessments of budget allocations and revenue measures, found that government departments at national and state levels have largely failed to monitor progress toward realizing economic and social rights and have not been able to demonstrate that their budget policies matched human rights obligations.³ Nevertheless, the South African examples shows how governments' human rights obligations translate to policymaking and budget allocations, and can thus provide valuable information for other countries and states looking to set up a framework for human rights budgeting.

Equality Budgeting: The United Kingdom

The UK example illustrates some of the steps involved in moving toward a budget compatible with the basic human rights principle of equality. This example focuses primarily on the impact the budget has on equality (gender, race, disability) rather than on human rights more generally, due to legal obligations established in the UK. However, the recommendation in the UK is that so-called equality impact assessments be expanded to a broader notion of human rights. It is important to note that this is not an example of a budget that actually meets human rights standards – quite the contrary – but of a process that could potentially move a government toward doing so.

The 2006 Equality Act establishes so-called “public sector equality duties,” covering race, gender and disability. All public entities, including local and national government, have a legal duty to pay 'due regard' to equality and consider any disproportionate impact on protected groups when making decisions, including decisions about the budget. With its 2011 Budget, the UK government (a conservative coalition) did not include a separate equality impact assessment. It did, however, include a very brief equalities impact assessment in its 2010 Spending Review. It also prepared brief impact statements of the taxation measures included in the Budget. In no instance did the government adhere to a standardized set of indicators, although an [Equalities Measurement Framework](#) has been produced by the Equality and Human Rights Commission to assess equality and human rights across a wide range of issues affecting people's lives. This framework can serve as a baseline of evidence for evaluating progress and deciding priorities.

² http://www2.ohchr.org/english/issues/plan_actions/safrica_3.htm

³ <http://www.info.gov.za/view/DownloadFileAction?id=94652>

Gender Budgeting: South Africa

Over the past two decades, gender budgeting has offered the best concrete example of a rights-based framework for budgeting. At national level, over 60 countries from Australia to the United Kingdom⁴ have taken steps toward gender responsive budgeting, ranging from trainings to institutionalized strategies,⁵ often informed by examples offered in international development policies and programs. So-called women's budgets were first implemented in Australian provinces as early as the 1980s, when government departments were required to assess their budgets according to the impact on women.⁶ The Australian example inspired initiatives in South Africa and numerous other countries.

South Africa's Women's Budget Initiative (WBI) was established soon after the end of Apartheid, based on a collaboration between NGOs and the Parliament Finance Committee. Over the years, WBI assessed all aspects of the national budget in relation to its gender impact, providing oversight and critique of the budget process.⁷ WBAI is primarily an example of how civil society expertise can increase transparency and accountability in expenditure planning and monitoring, as well as strengthen the process of policy development.⁸ Additionally, there have been steps toward moving from budget analysis to an integration of gender equity principles in the actual budget process: in 1998 the finance minister pledged to incorporate gender budgeting methods into the government budgeting process, but the commitment was later withdrawn. However, a World Bank case study reports that many South African government departments have now internalized the idea of analyzing their budgets from a gendered perspective.⁹

The Women's Budget Initiative does not propose an alternative budget, instead it analyzes government budget with respect to its impact on women, men, boys and girls. It focuses on gender-specific expenditures, gender equity in public services, and the gender impact of other expenditures. WBI also emphasizes that the budget process must be guided by policy principles and objectives, and that policy should be responsive to needs.

Successes:

- Mainstreamed the principle that governments should monitor the impact of their budgets on gender equity;

⁴ <http://www.undp.org/women/CD-Gender-and-Budgets-2004/Budgets%20CD%20section%205/5a%20Engendering%20budgets.pdf>, p. 21

⁵ <http://www.undp.org/women/CD-Gender-and-Budgets-2004/Budgets%20CD%20section%205/5a%20Engendering%20budgets.pdf>

⁶ http://www.siyanda.org/docs/sharp_broomhill.pdf

⁷ <http://www.undp.org/women/CD-Gender-and-Budgets-2004/Budgets%20CD%20subsection%204.2/4.2.1a%20South%20African%20Women%20Budget%20Initiative.htm>

⁸ http://lencd.com/data/docs/209-Bk3PartB_SOUTH%20AFRICA%20women%20power.pdf

⁹ http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2009/11/03/000333037_20091103021424/Rendered/PDF/514200WP0AFROW10Box342027B01PUBLIC1.pdf

- Increased accountability and transparency through public monitoring and analysis
- Effective collaboration between state and the civil society to increase capacity for addressing equity issues
- Transfer to state level: in the province of Gauteng, budget statements must now include gender assessments.
- Impact on policy decisions: South Africa’s public works programs require that 60 percent of beneficiaries should be women.¹⁰

Advocacy and mobilization for a social justice budget - The Canadian Center for Policy Alternatives

The Canadian Center for Policy Alternatives (CCPA), headquartered in Ottawa, is an independent research institute that has produced an Alternative Federal Budget since 1994.¹¹ The [Alternative Federal Budget](#) (AFB) “starts from a set of social justice values—human dignity and freedom, fairness, equality, environmental sustainability, and the public good.” The AFB consists of a collectively developed set of taxation and spending measures that reflect these values, and produces a workable budgetary framework within which these are met. The AFB provides concrete scenarios for what a government could do if it were committed to an economic, social, and environmental agenda that reflects the values of the large majority of Canadians, rather than the interests of a privileged minority. Primarily an advocacy project, the AFB aspires to inform policymaking, yet it is difficult to find clear evidence of direct influence on the government’s budgetary framework or process.

The AFB emerged against the background of increasing cuts in public spending. These cuts intensified after the Liberal government came to power in 1993 and implemented large cuts to social programs by 1995. The CCPA consistently opposed government spending cuts, deregulation, privatization and other attacks on the public sector carried out in the name of the “debt-deficit” crisis.¹² When no credible campaign emerged to respond to these fiscal policies, the CCPA and the Choices Coalition began to prepare alternative federal budgets as an attempt to provide a disciplined and economically sound, opposition to the so-called “neo-conservative” agenda.¹³

The Alternative Federal Budget seeks to balance technical and participatory advocacy components; while it carries out technical, quantitative analysis, the focus on political mobilization is equally important. The first AFB was prepared in 1995 in a collaborative process involving 50 social justice groups and trade unions. It responded to cuts in benefits for the elderly, income supplement programs and unemployment insurance, with a positive agenda guided by the following principles:¹⁴

- Full employment
- A more equitable distribution of income

¹⁰ Zuckerman, E. (2005). An Introduction to Gender budget initiatives. Gender Action;

http://www.genderaction.org/images/Intro_to_Gender_Budget_InitiativesFINAL.pdf

¹¹ <http://www.policyalternatives.ca/projects/alternative-federal-budget/about>

¹² Loxley, John (2003). Alternative Budgets: Budgeting as if People Mattered. Pp. 51-54.

¹³ Ibid., pp. 54-56.

¹⁴ Ibid., pp. 56-77.

- The eradication of poverty
- Economic equality between men and women
- The protection of civil, political, economic, social and cultural rights
- Improvement in the environment
- The strengthening of social program and public services
- The creation of a more just, sustainable and peaceful world order.¹⁵

On the basis of these principles, the AFB sought to promote fiscal policies ranging from lowering interest rates, to increasing taxes on corporations, the wealthy and small business owners, reducing taxes on the poor by means of tax credits, and introducing green taxes.¹⁶

The participatory aspect of the AFB consists of two components: (1) trade unions and social justice groups participate in budget drafting, and (2) “budget schools” are held across the country, seeking to create an active constituency and boost public participation.¹⁷ Additionally, an [online interactive tool](#) enables the public to alter public spending programs and monitor budget deficits/surpluses in real time.

Successes:

1. Mobilizing a wide variety of groups and activists to engage in the budget debate, including trade unions, students, human rights activists, environmentalists, women’s groups, workers.¹⁸ AFB has been a vehicle for building policy consensus among progressives.
2. Involving a coalition of social groups and trade unions in AFB drafting and maintaining engagement over many years.
3. Enhancing economic literacy through “budget schools” and through fostering a public debate on the public process.

The alternative budget campaign started in the **province of Manitoba**, where it resulted in a significant success when, after 11 years of advocacy, a newly elected provincial government adopted the alternative budget proposal put forward by the Budgets of Choice campaign.¹⁹ The campaign was originally launched to counter the provincial government’s spending cuts, begun in 1988, and its agenda of shrinking the public sector. The main aims of the Budgets of Choice were to restore the public sector, reduce poverty, improve public health, education and environmental management, create jobs and ensure fair taxation.

Similar alternative budget initiatives have since been undertaken in New Brunswick, Saskatchewan, Ontario and Prince Edward Island.²⁰ At the municipal level, in the city of Winnipeg, Manitoba, Choices led successful campaigns against local budget cuts and prepared alternative budgets since 1993, based on the following principles: (1) the effective and efficient delivery of basic services, (2) basic civic

¹⁵ Loxley, John, p. 80.

¹⁶ Ibid., pp. 85-87.

¹⁷ Ibid., pp. 96-7.

¹⁸ Ibid.

¹⁹ <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan020213.pdf>

²⁰ Ibid., pp. 114-127.

services are best delivered by the public sector, (3) the public sector labor force should be adequately compensated in secure jobs and representative of the community, (4) recognition that Winnipeg is a slow growth city, not in need of urban sprawl, costly infrastructure or megaprojects, (5) the need for environmentally responsible development, (6) the need for a healthy, safe, anti-racists and equal opportunity community, (7) the need to reduce over-reliance on the inequitable property tax, diversify revenue and receive adequate funding from senior levels of government.²¹

2. Participatory Budgeting

“Participatory budgeting” refers to a local process in which residents develop spending priorities and allocate funding, usually at pre-defined levels and mainly for infrastructure or capital projects. Participatory budgeting originates in Brazil, where it is now an institutionalized element in many local and state policymaking systems. The actual design of participatory budgeting varies significantly, but research shows that, overall, participatory budgeting can increase the accountability of local government, inspire more redistributive public spending, and incentivize active engagement of residents in policy processes.

It is important to note that nothing about participatory budgeting inherently promotes economic and social rights or social justice. Participatory mechanisms by themselves do not automatically lead to more just social outcomes. On the contrary: since residents who are well educated and well-off tend to participate in greater proportion in any democratic processes, participatory budgeting could potentially lead to an allocation of funds based on priorities determined by those more privileged groups. Therefore, human rights or social justice must be an explicit goal of participatory budgeting. In Brazil, many participatory budgeting initiatives are designed with a pro-poor bias and enable poorer neighborhoods to receive a greater share of public resources than wealthier neighborhoods. Successful participatory budgeting initiatives work because they are designed with specific normative goals in mind, such as promoting inclusion and equality.²² Only the first of the examples presented here (Porto Alegre) includes a pro-poor bias.

A rich body of evidence has also revealed shortcomings of participatory budgeting initiatives. Most importantly, the amount of the budget typically available for participatory allocation — after fixed expenses such as salaries, debt payments, and maintenance on earlier investments — may only be five percent of the total. Moreover, citizens usually only decide on spending proposals, not on revenue measures. Often, they also do not develop their own spending policies, but merely decide on the government’s proposals, especially when there is a lack of information sharing and capacity building to enable participatory policy development.

²¹ Ibid., pp.140-147.

²² http://www.nesri.org/sites/default/files/APSA_Task_Force_Report.pdf, p.48ff

Local participatory budgeting –Porto Alegre, Brazil

The original, now famous process of participatory budgeting was initiated in 1989 in the Brazilian city of Porto Alegre. The city organizes twice yearly assembly meetings with residents, in which thematic and sectoral budget priorities are identified and agreed for the upcoming year. Grading and weighting criteria are used to assign importance to spending programs; each program receives a grade of 1 to 4. Elected representatives from each assembly are sent to represent community interests at the Council of Participatory Budgeting, where specific allocations are negotiated.²³ The grading system allows converting priorities set by participatory processes into an equitable allocation of funding that takes into account population size and existing socio-economic status of population groups.²⁴

The participatory budgeting process is based on a set of rules: (1) everyone is entitled to participate and community organizations have no special status, (2) direct and representative democracy rules are governing the participation, which takes place through functioning institutions with internal rules established by the participants themselves, (3) budget allocations are made by taking into consideration a combination of “general” and “technical” criteria, whereby the former are substantive criteria set by participatory institutions, and the latter are set by the municipal executive.

The strength of this process lies in its focus on both citizen engagement and peoples’ needs, which are emphasized in debates and negotiations at various levels. These needs are transformed into policy priorities by means of a grading system and then incorporated into budgets.

Successes:

1. The levels of participation have consistently been high, with 30,000 participants per year.
2. The participatory process was designed to shift budget allocations and service delivery to a focus on the needs and stated priorities of the population, and this appears to have been successful (see 3).
3. Porto Alegre achieved one of the highest living standards and access to public services indicators in Brazil.²⁵ Participatory budgeting is generally correlated with an increase in social spending, although it is difficult to determine whether this can be attributed to participatory processes or to a more general shift in policymaking, among which participatory budgeting is only one aspect. In Porto Alegre, increases in the level and reach of essential public services, particularly to the poor, have been reported by the World Bank.²⁶
4. Participatory budgeting has deepened democracy and helped reform state institutions by increasing transparency and accountability.
5. Participatory budgeting has since spread to some 140 smaller Brazilian municipalities, and has also been successfully instituted at the state level in Rio Grande do Sul (where Porto Alegre is

²³ Ibid., p. 154.

²⁴ Inter-American development Bank, Assessment of Participatory Budgeting in Brazil, Harvard University: n.d.

²⁵ Ibid.

²⁶ <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan020213.pdf>, p.42.

the capitol). These initiatives have adapted the original guiding principles which emphasize the meeting of local needs.

6. Over the past twenty years, it appears that \$2 billion have been spent by municipal governments as part of participatory budgeting projects in areas such as Porto Alegre, Recife, Belo Horizonte, São Paulo, and Fortaleza. This represents a significant shift in how public resources are allocated.²⁷

Participatory budgeting, Guelph, Ontario

The city of **Guelph, Ontario** (pop. 100,000), has used participatory mechanisms to allocate a small portion of its budget since 1999. In the early 1990s neighborhood groups organized in low-income areas, then moved toward collaboration with the City, and in 1997 the City and the groups founded the Guelph Neighbourhood Support Coalition, with the aim of enabling groups and city staff to collectively allocate community funding. In 1999, the City suggested that rather than dividing funding equally between the neighborhoods, it would be more equitable if all neighborhood groups deliberated their needs and priorities together. The Coalition decided to gradually implement a participatory budgeting process.²⁸ This budget initially depended on around \$50,000 awarded by the City's community grants program, which in 1999 was transformed into an official line in the City's Community Services budget. The Coalition also pursued external funding from other organizations, agencies, and regional government bodies, and by 2005 the Coalition budget, consolidated in the City's Community Services budget line, had reached a million dollars and included capital funds in addition to operating funds.

Guelph's participatory budgeting is a formal process with residents participating in their local neighborhood groups, supported by Coalition volunteers and staff, and by nonprofit and public partner organizations that also take part in decision-making processes through appointed representatives. It takes approximately four months to collectively decide budget allocations, and another year to implement the funding. Based on residents' discussions of citywide and local spending priorities, each neighborhood group prepares project proposals, along with a "needs" budget and a "wants" budget for its proposed activities. Residents then elect two delegates to represent their group in the Coalition's Finance Committee, which decides on fund allocation after negotiating compromises and agreeing a consensus on the budget. The City assists with administrative procedures and spends roughly \$60,000 yearly on staff time, food, transportation and childcare at the meetings, advertising, meeting space rental, and related costs.²⁹

Successes:

1. Increased community involvement: in 2005, some 10,000 people participated in neighborhood group activities, and 460 community-building events and programs were funded; new

²⁷ http://www.nesri.org/sites/default/files/APSA_Task_Force_Report.pdf, p. 34

²⁸ http://www.tni.org/archives/newpol-docs_pbcanda

²⁹ http://www.tni.org/archives/newpol-docs_pbcanda

neighborhood groups emerged, along with new collaborations between community groups and public agencies.

2. Residents learn about the needs of others, including other communities, and have changed their own priorities as a result. In 2005, one neighborhood group decided to not accept any Coalition money, to leave the funds for groups with greater needs.³⁰

United Kingdom – participatory budgeting at the local level

While gender and equalities budgeting at the national level in the UK lack participatory components – along with effective implementation – many initiatives are underway throughout the country that promote local participatory budgeting and policymaking processes. For example, the Islington Fairness Commission, while not focused on the budget process, has adopted a participatory approach to integrating an equalities agenda into local policymaking.³¹ There are also many examples of involving people directly in local budget decisions, albeit without a normative framework (i.e. no focus on equality or human rights). Yet many of these are driven from the top down, by local politicians and experts, rather than directly by the people.³² The former Labour government commissioned an evaluation of participatory budgeting in the UK, which found that participatory budgeting initiatives had not gone beyond the allocation of discretionary grants to very small local projects.³³

Participatory budgeting in Chicago and New York City

Chicago was the first U.S. city to adopt participatory budgeting in one of its districts. In 2009, the representative of the 49th Ward made 1.3 million of his discretionary funds available for allocation by community members.³⁴ The budget process included nine neighborhood assemblies, in which residents prioritized local infrastructure needs and selected community representatives. These representatives met for four months in six committees and developed project proposals based on the community priorities. Subsequently, all ward residents were invited to vote on the proposals, with their votes determining what gets built. Over 1,600 people took part in deciding on infrastructure improvements for their ward.

In September 2011, a \$6 million participatory budgeting process started in New York City. Guided by the Participatory Budgeting Project and Community Voices Heard, it is a City Council supported initiative to be implemented in four City Councils Districts. Each Council member in these districts will use at least \$1 million of their discretionary funds for participatory allocation by residents. All four districts will run neighborhood assemblies of residents, which will discuss local priorities, propose specific infrastructure projects, and select volunteer budget delegates. These delegates will then meet for three to four

³⁰ http://www.tni.org/archives/newpol-docs_pbcCanada

³¹

http://www.islington.gov.uk/DownloadableDocuments/CouncilandDemocracy/Pdf/fairness_commission/IFC_final_report_closing_the_gap.pdf

³² <http://www.participatorybudgeting.org.uk/case-studies>

³³ <http://www.communities.gov.uk/documents/communities/pdf/1509753.pdf>

³⁴ <http://www.watsonblogs.org/participatorybudgeting/chicago49.html>

months to develop specific budget proposals. Once the budget proposals are finalized, residents of the four districts will vote on the proposals, and those with the most votes will be incorporated in 2013 New York City budget.³⁵

3. Institutionalization and Enforceability of Budgeting Guidelines and Initiatives

Statutory force but weak implementation - the United Kingdom

In the UK, the integration of equalities principles in the budget process can and should be enforced by the Equality and Human Rights Commission, an independent public body, and the courts. The Equality and Human Rights Commission is an independent public entity with powers under the law (Section 31 of the 2006 Equality Act) to conduct a formal, independent assessment of the extent to which the UK government has met its legal obligations to consider the equality impact of decisions contained in the Budget and the Spending Review. At the end of 2010 the Commission announced that it would be conducting an [assessment of the 2010 Spending Review](#). Once the Commission completes a formal, independent assessment of the extent to which the UK government has met its legal obligations to consider the equality impact of decisions contained in the Budget and the Spending Review, it will report its findings and may make recommendations.

If the assessment finds a breach of the equalities obligations, the Commission can serve a compliance notice, or enter into a binding agreement with the government for it to take steps to avoid further breaches. If the government – or any public entity – fails to comply with the compliance notice or the binding agreement, the Commission can apply to a court for an order compelling them to comply. However, the Commission has yet to fully exercise its powers and to this point, no procedures have been initiated with regard to the national budget, despite a clear failure of the budget process to meet equalities obligations.

Enforcement of an anti-human rights budget – the example of Vermont's Challenges for Change

The Challenges for Change budgetary framework emerged in 2010 after the passage of the Challenge Bill (Act 68) aimed at cutting nearly \$50 million in state spending. While the goal was to cut spending rather than to meet people's needs – which means Challenges for Change effectively set out an anti-human rights agenda – this initiative is of interest as it imposed a framework for budget decisions on each government department and agency.³⁶ Agencies were required to submit proposals how to reach agreed outcomes and cut spending, and to produce a quarterly progress report on their budgetary activities. Challenges for Change outcome guidelines included program & service integration (geographic consolidation of service provisioning, increased focus on consumers), improved technology (automation of administrative procedures, increased internet integration), path to independence (focus on program that foster self-sufficiency among clients), and performance incentives (for government contractors, along with elimination of administrative hoops).

³⁵ <http://www.participatorybudgeting.org/>

³⁶ <http://www.leg.state.vt.us/misc/CFC%20Progress%20Report.pdf>

While these guidelines arguably resulted in a reduction of agencies' capacities to carry out their essential functions, human rights advocates could learn from reviewing the institutional skeleton of Challenges for Change, which offered strong institutionalization and enforceability through formal mechanism that required department compliance, embedded in a unifying framework for decision-making.

An Advisory Council to guide economic and social policymaking – the example of Ireland

The National Economic and Social Council (NESC) was established in 1973 to advise the Irish Prime Minister on the “development of the economy and the achievement of social justice. It is not entirely independent as members are appointed by the Prime Minister; it is chaired by a member of the government and it is funded by the government. However, it includes diverse representation from civil society, trade unions, private sector and government. Four members represent each of the following groups: business and employers' organizations, trade unions, agricultural and farming organizations, community and voluntary organizations, and environmental organizations; in addition to government representatives and independent experts.³⁷

NESC's role is an example for the social partnership initiatives common in Europe, which bring government and representatives of unions and employers (“social partners”) together in negotiating policy direction. NESC reports and advises on all aspects of public policy, including economic and social policy, taxation, and industrial and agricultural policy.³⁸ While NESC is not directly involved in the budget process, its recommendations serve as the basis for negotiating spending and taxation policies. Its approach is not normative but deliberative, driven by the development of agreements between different stakeholders.

Although seemingly outside the scope of human rights budgeting, the NESC example is of interest as it demonstrates a collaborative approach to high-level policy development, relying on a partnership between government, civil society, trade unions and employers.

The role of NESC is not to be confused with that of the [Irish Human Rights Commission](#), an independent statutory body established in 2000, tasked with promoting and protecting human rights, including economic and social rights. The Commission examines legislative proposals for human rights implications and makes recommendations to government on measures to strengthen, protect and uphold human rights. The Commission has the power to conduct inquiries into the adequacy and effectiveness of law, policies and practice in Ireland. It is recognized by the UN as Ireland's National Human Rights Institutions; under the [UN's 1993 Paris Principles](#), every country is supposed to establish such an institution, and all European countries have done so.

³⁷ <http://www.nesc.ie/en/our-organisation/about-nesc/>

³⁸ <http://www.nesc.ie/en/our-organisation/about-nesc/history-of-nesc/>

Enforceability of human rights law at state level – Example of Victoria, Australia

The Australian state of Victoria passed the [Charter of Human Rights and Responsibilities Act](#) in 2006.³⁹ The Charter mandates a review of all legislation for compliance with human rights law, in particular most of the rights entailed in the International Covenant on Civil and Political Rights. Economic and social rights are not included. Every bill must be accompanied by a statement of compatibility with the Charter, and every regulation must have a human rights certificate ensuring human rights compliance. The Human Rights Unit within the Department of Justice is tasked with coordinating the implementation of the Charter.⁴⁰ However, the Charter does not enjoy the support of conservative legislators, and a recent parliamentary review of the Charter’s first four years of operation recommended to strip the Charter of its enforceability provisions, despite significant positive reviews from stakeholders, the public and the courts.⁴¹

Strengths:

- Integrates civil and political human rights in government decision-making
- Sets up mandatory review of all legislation
- Places human rights obligations on public bodies and enforces these through the courts

4. Summary Checklist

This summary checklist shows that none of the discussed examples meets all three criteria for a meaningful human rights budgeting process.

The chart illustrates the following:

- Rights-based or normative budget initiatives tend to lack participatory components
- Participatory budgeting initiatives, although institutionalized, tends to lack a normative basis, and is restricted to localized, small scale projects
- Initiatives with formal government support lack both normative and participatory components

| | Rights-based/ Normative Budgeting | Participation | Institutionalization/ Enforceability |
|--|--|----------------------|---|
| Human rights action plan - South Africa | Yes | No | Partly |
| Equality budgeting - United Kingdom | Partly | No | Partly |
| Gender budgeting- South Africa | Partly | No | No |

³⁹ <http://www.hrlrc.org.au/files/victorian-charter.pdf>

⁴⁰ <http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/About+Us/Our+Organisation/Business+Area+Pr ofiles/JUSTICE+-+The+Human+Rights+Unit>

⁴¹ <http://www.brisbanetimes.com.au/opinion/editorial/victoria-must-not-weaken-its-rights-charter-20110914-1k9oz.html>

| | | | |
|--|---------------|------------|---------------|
| Alternative Budgets – Canada | Partly | Partly | No |
| Participatory budgeting, Porto Alegre, Brazil | Partly | Yes | Yes |
| Local participatory budgeting - City of Guelph, Canada | No | Yes | Yes |
| Local participatory budgeting – United Kingdom | No | Yes | Yes |
| Local participatory budgeting – Chicago, NYC | No | Yes | Yes |
| Anti-human rights budgeting - Challenges for Change, VT | No | No | Yes |
| National Economic and Social Council - Ireland | No | Partly | Partly |
| Human Rights Charter – Victoria, Australia | Partly | No | Yes |