

**WORKSHOP**  
**Budgeting the Rights:**  
**Let's do it!**

**4-6 April 2006**  
**Aprodev**  
**Rights and Development Group<sup>1</sup>**  
**Geneva**  
**Switzerland**

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<sup>1</sup> The Rights & Development Group of APRODEV is composed of representatives from Brot für die Welt, Church Development Service (EED), Christian Aid, Dan Church Aid, ICCO, Luthern World Federation and Norwegian Church Aid.



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## 1. Summary 'Workshop Budgeting the Rights': Will Human Rights in Future Determine Budgets?

Pure utopianism? ... or not? So far many think that it is outright nonsense to try to calculate the cost of say the Human Right to Food, let alone to make that right the subject of budget planning. And yet 144 countries, many of them from the developing World, have ratified their determination to progressively fulfil this and other Economic, Social and Cultural Rights, and 153 are party to the sister International Convention that sets out obligations for on Civil and Political Rights. There is wide consensus on the fact that a 'minimum core content' of these rights can be identified. However, given the binding nature of these International Conventions, it is necessary to speak about 'core obligations' that states have assumed towards their own citizens. It is therefore, useful to attempt to quantify these obligations to further the realisation of Human Rights in order to bridge the present gap between macro-economics and human rights.

The international Workshop of 35 participants that took place near Geneva in Switzerland from 4-6 April 2006 responded in the affirmative to this question. The Workshop brought together seven European protestant development agencies, their partners from developing countries and Human Rights experts from the Office of the High Commissioner of Human Rights (OHCHR) and the World Health Organisation, amongst others. The partners came from Hong Kong, India, Malawi, Tanzania, Zambia, Nigeria, Brazil and Mexico. The Workshop explored whether the realisation of Human Rights, both Economic, Social and Cultural Rights as well as Civil and Political Rights can be "costed" and budgeted, and whether methodological hurdles concerning this task can be overcome.

Moreover, it assessed whether budgeting is a good advocacy tool to promote the realisation of Human Rights. It became clear that good data is not always available, especially because you need specific, disaggregated data for the most affected groups. It will be a challenge for many human rights and development organisations, and donor-organisations to make a shift from budget-tracking to a more 'Frontloading' approach and get more proactive in policy-making and budget-allocation. The group affirmed that the development of indicators and use of existing indicators are important tools. Access to information on different levels can be problematic, but can also help to improve accountability on different levels of Government (local, regional, (inter) national). A lot of work has been done already in developing tools and strategies, and we should use the existing resources, adapt tools and make cross-references to ensure consistency in current work.

Nevertheless participants also remarked that priorities must be set; focusing on certain fields of Rights, such as the Right to Health or Right to Education, among the total package of Rights .... You can't do it all! Economical choices are political choices, and we could stress more the gains that can be made by investing in the social sectors, a field we are actually losing in times of privatisation and further investment in the middle-class. Some organisations developed the '**gap-approach**'; this means that you go and look where the most affected are actually most affected; which policies can improve their situation and what money must go with it? It is not always about money; combining policies and making more effective use of the available funds can also lead to better impact and results. **Budget-analysis** is another instrument, but some organisations prefer to focus on a broader approach; look into the complete cycle of policy-making, budget-allocation and budget-spending. A shift to the 'front' aspect, to cost the amount required to realise core obligations was named the '**frontloading**' approach. A final option is to look at the **cost of violations of Rights**. The choice for a certain approach depends on the specific context.

In Mexico, the NGO Fundar has intervened successfully for better budgets to avoid risks of maternal mortality, based on the Right to Health. In Nigeria, state level budget officials were pressured to respond to criticism of the Christian Health Association of Nigeria about the deficient equipment required for basic health care. In Tanzania, conduct by civil society actors has led to the situation where the Government now regularly consults them about Gender equality in the budget. In Zambia, partners have costed the Millennium Development Goals. They see Human Rights as

the better frame of reference for development. They do not want to only half the income poverty by 2015, as the Millennium Development Goals foresee. They rather want the fulfilment of the Rights to Employment, Health, Education, etc. for everybody. They see no reason why Human Rights should not be costed and then budgeted as a result of successful advocacy work with Government and Society. They even pleaded for 'Ringfencing': to protect existing allocation of funds for social sector expenditure.

The Human Rights experts of the Workshop were of the opinion that it is high time to look at the macro-economy of a country from the perspective of Human Rights. They concluded that the primary responsibility of a finance minister is towards the fulfilment of the Human Rights of the population of his own country. Only after that would the servicing of foreign debt be permissible. To satisfy creditor demands from scarce state revenue before Human Rights are ensured is illegitimate on the basis of the international Human Rights conventions.

It became clear during the Workshop that the Office of the High Commissioner of Human Rights is presently working fast to identify indicators. These indicators will provide the basis of cost calculations for the fulfilment of two ESC-Rights and two Civil and Political Rights. The World Health Organisation is doing the same for the Right to Health. There are further efforts in the University of Sussex in England to elaborate basic tenets for a Human Rights perspective of macro economics. All agreed that we must build on resources we already have and hook up with the many ongoing activities.

The Workshop contributions left no doubt: Human Rights defenders world-wide have begun to take up the challenge of budgeting. This Workshop of the protestant development agencies came just at the right time to strengthen this process. The Workshop confirmed that with an appropriate effort most Human Rights can be costed and budgeted. And would the effort be worthwhile?? Participants responded with an emphatic YES! And we should work on it!

Maybe, therefore it will not remain unthinkable any longer to organise and equip budgets from a Human Rights perspective. The participants of the Workshop are positive that this would indeed be an important contribution to the eradication of poverty and sustainable development in the interest of the people. Several suggestions for the 'Way forward' were made; identification of and linking with like-minded initiatives; further study to overcome some methodological hurdles; and the development of tools and experiences (piloting). Participants were generally firm however that we should not wait until studies are complete: that we must experiment, be proactive and come out of the 'comfort-zone'. Other suggestions included building capacities and advocacy strategies.

The APRODEV-agencies will discuss the suggestions made in May and see where they can take up their own role. Other participants will also take up initiatives and see how these fit within their ongoing strategies. We do not have the intention of creating a new network, but engage in concrete activities (develop and exchange methods, strategies and tools, inter-link with other initiatives f.e. with MDG-costing, build capacities in the field of ESC-Rights budgeting, and create a D-group exchange information on policies and piloting). Finally, a workshop in the World Social Forum in Nairobi 2007 may offer a good opportunity to meet up again to reflect further on progress made and ideas still to implement!

## 2. Opening session

### 2.1. Welcome and Opening remarks

#### **Peter Prove (Lutheran World Federation)**

Mr. Prove outlined the objectives of the Lutheran World Federation and its interest in ESC-Rights. He was quick to observe the “disconnect” in international law between Human Rights and Economics – trade law, highlighting that this is deliberately maintained at both the national and international level. He pointed out that the argument that ESC-Rights are aspirations only is not legitimate, that in fact they are justiciable. He also pointed about that the entry point is the budget process. Much as is being done on budget analysis, there is need for a *FRONTLOADING* approach. Actors need to investigate possibilities of reversing budget analysis. Through this approach, work would start from the premise of Human Rights obligations and their implementation, moving through policies and budget formulation from this point. Talking about sustainability, that is, how much a country can pay rather than how much it should pay on moral and other grounds, is not enough. We need to address the question of how to define illegitimate debt. Above all, Human Rights advocates must develop tools to increase pressure for the protection of a core allocation of resources in all circumstances to meet at least core Human Rights obligations.

Human Rights people and economists have finally overcome their refusal to work with the other and their policies. Much work is now happening on this interface, although still more is required. While we should not forget what we have already gained in the debate, we do have to work more at the ‘beginning’ of the budgeting-process. There are competing demands, but we should define and identify what the demands are: processes must also be more participatory. He emphasised that the dignity of human beings must be central in the ESC-Rights debate.

### 2.2 Workshop objectives

**Peter Lanzet (EED)** outlined the objectives of the workshop. These included: costing and budgeting ESC-Rights and assessing the added value of Rights budgeting; exchanging advocacy approaches; and examining the feasibility of Rights-budgeting; Is it worth all our efforts or are there other ways? He explained that the idea developed four years ago from work concerning the debt-cancellation debate and the question this raised of whether it is possible for a state to first define and pay for core ESC-Rights implementation before paying its debt-service?

#### **Issues raised during the subsequent discussion**

- a) The need to translate rights in an interrelated form could be a challenge
- b) The need to talk about economic gains and not only costs
- c) The need to consider how to keep indicators simple
- d) The language Rights-people use, should also be acceptable for other international bodies
- e) Prioritisation is an important element (How do we share and maximise “the pie”?)
- f) The relationship between MDGs – Human Rights
- g) The need to focus on broader budgeting processes
- h) The importance of seeing what has been done by others in the field of ESC-Rights
- i) Proposal to consider costing violations of ESC-Rights as more feasible
- j) The need to look for solution oriented approaches

## 2.2. Presentations of visions from the Stakeholders

### Robert Archer (International Council on Human Rights Policy)

Mr. Archer stressed that he is not an expert in the application of the new techniques; using budget analysis or indicators, and more generally assessing quantitatively as well as qualitatively the impact of Government policies on rights and on people.

He pointed out that participants have been invited here to look at the value of these new approaches, their capacity to refresh and strengthen human rights work, and the leverage they offer through advocacy. He started by emphasising the importance of understanding the context: good internal accountability processes create conditions for others kinds of advocacy interventions. However powerful and creative they are, they cannot replace the core processes and mechanisms of accountability that determine Government performance. Tools for ESC-Rights are at an early stage and officials have not internalised them. There is still widespread ignorance about the use of these techniques and when they are explained, they are quite difficult to understand. To this extent advocates still lack language that will make these techniques easily accessible to the public. This also diminishes their capacity to influence the behaviour of officials.

The effectiveness of the approaches depends on:

- Information available (quality, accessibility)
- Monitoring by civil society organisations (“shaming and blaming”);
- Monitoring by public media
- Parliamentary reporting and monitoring, extremely important when Parliaments work well
- Intergovernmental monitoring and reporting, e.g. through the UN and within regional bodies
- Courts, lastly, play a vital role (when they function well) in clarifying the law and enforcing it.

A system of accountability requires enforcement mechanisms even though those that work well may be used least? Courts are one mechanism. Administrative sanctions offer another.

In different ways, all of these emphasise the importance of information – finding it, making it available and scrutinising it. Governments have an obligation to collect accurate statistics in relation to human rights matters, because if they do not they put themselves in a position where they cannot tell whether they are respecting their international obligations or not. Some countries - Brazil is one - have a sophisticated statistics office. Many countries do not and as a result it is difficult for their officials and for monitors to assess performance. In the absence of information we are blind; in the absence of accurate information, we are misled.

A positive feature of many of the new techniques, including budget analysis, is that they trigger discussion of other Rights – particularly what are called the process Rights to Information, to Participation, and to speak out. In doing so, they tend to empower and generate wider awareness of claims, and expertise in claiming - *irrespective* of whether they result in changes of policy or improved access to food, education or water etc.

A final complexity Mr Archer highlighted concerned the costing obligations of *different* stakeholders. If the problems we want to solve are to be addressed successfully, while national governments and national publics will play the main role, international policies and international transfers of resources must also contribute.

### Colin Gonsalves (SLIC Socio-Legal Information Centre – India)

Mr. Gonsalves stressed the fact that in India there are good statutes but no adequate implementation. The Supreme Court has ordered that excuses about lack of money cannot be entertained by the Court and also that the Supreme Court cannot interfere in the budget-process. However, Colin was of the opinion that the Courts could still and may very well soon make an order on the budget-process.

He went on to outline six methods on budget-monitoring used in India;

- (a) General budget analysis
- (b) One-issue budget-monitoring (Right to Food, Right to Education)

- (c) Comparison with other countries (% health & % education in GDP)
- (d) Working out proposals how to generate more revenue
- (e) Financial memorandum to new statute
- (f) More a general remark: in the international debate there is a tendency to reduce on social spending (ignore the poor).

He also pointed out that Civil and Political Rights should not be separated from the ESC-Rights.

#### **Carol Rask (Danchurch Aid)**

Mrs. Rask outlined the vision of the Aprovev-working on R&D; She mentioned two main aims: to bring experiences together; and to explore what is already being done towards the realisation of Human Rights within the context of the MDGs. She finally explained the overall objective: to explore what partners and organisations are already doing.

## **2.4 Participant introduction and expectations**

After some other exchanges on participants' personal backgrounds, we exchanged different expectations on the results of the workshop. The results the group expected were;

- (a) Get started! Do it!
- (b) Networking and learning from each other
- (c) How to use ESC-Rights in Advocacy
- (d) Practical aspects of analysing budget
- (e) Better understanding of budget process
- (f) To share alternative methods in the field of budgeting and implementation of ESC-Rights.

### 3. ESC-budgeting – A tool or a dream? How to go about ESC-Budgeting in practice?

Presentations of Michael Windfuhr (FIAN), Helene Hofbauer (Fundar) and Rajeev Malhotra (OHCHR) set the tone for discussion and subsequent application in the subject matter groups. Presentations from different countries enriched the overview on practicalities in doing work related with Budgets (MDGs, gender, and budget-monitoring).

#### 3.1 Michael Windfuhr: “What can be achieved by ESC-Rights- Budgeting?”

During the last decade FIAN has been working on the issue of the Right to Food. Highlights of Michael's presentation were:

- The core content vs. general content of Human Rights. Better sequencing and determination of which part of the content of each Right needs immediate fulfilment and which requires more long term fulfilment
  - On complexity: take Rights-budgeting up according to the division of ministerial portfolios
  - Introduction of the concept of reasonableness: one must use the budget with reason, must reach those most in need with priority (Discussion: Grootboom Case, R.S.A.- Govt now must prove, that it acts reasonably)
  - Work on indicators is current and progressing: FIAN, FAO, OHCHR
  - Michael encouraged: There is a lot of strength and beauty in striking figures (FAO: 24 bn \$ for the right to Food. World Bank: 300 bn \$ for agricultural subsidies, etc.) We should employ this also in our work
  - Further on complexity, Michael recommended use of basic or general tools like:
    - the “Twin track approach”. This refers to the FAO approach (Fowler) that advocates investment in:
      - (a) building an enabling environment so that the vast majority of a population are able to access adequate, good quality food; and
      - (b) Continuing to ensure food provision to those unable to do so.
- Michael noted that costing estimates can be simplified by being aware of the different needs for specificity depending on the target level: more general estimates are required for the international level and more specific and thorough estimates for the national level.
- developing beautiful but rough figures;
  - Start differentiated discussion and study. We need to develop a working environment to move forward on problematic issues.

#### Issues raised during the subsequent discussion

- “Frontloading” and assessment of the budget based on the HR can go parallel, they are not mutually exclusive.
- Danger of “commodification” of the HR, not al HR can be applied to quantification.
- Certain indicators can stand “in proxy” for many others. This can reduce the complexity of inter-relatedness.

### 3.2 Helena Hofbauer: State of the Art in HR/MDG-costing

Ms Hofbauer first gave an account of how the Guatemala peace agreement established a connection between Economic and Social Rights. Helena works with Fundar and became part of the International Budget Project (IBP) in 2001. In 2004 the IBP produced the first Human Rights and budgeting report "Dignity counts". Helena highlighted that budget analysis is:

- Actually policy analysis linked to numbers and very specific issues.
- It puts the numbers into perspective, here the Human Rights-perspective.
- Numbers can be calculated by an economist, but their sense and meaning is in the context.

She shocked us by saying: "*Costing a Right is almost impossible. Every detail interrelates in every given country differently ... every single case is different*". Further, realities and budgets don't. Then however, she explained **why** it is so necessary to cost Rights?

- Because we need to get Rights to be realised in practice.
- Because we need to press Governments to put money into them.
- Because we need to come up with answers that no one has.

She qualified that Yes it is possible to cost Rights, even if it is a nightmare. However, it must be country and locally specific. You can then say Rights cost this much here, and there it costs a different amount. It cannot be done properly at the international level. Explaining further, Helena advised or commented on the following:

- Use a **Specific gap costing and budgeting- approach**. You can cost one country and for the next start all over again. Better cost certain gaps that you analyse. It will be from the start an acceptable but incomplete answer. E.g. Maternal mortality: Fundar identified specific areas where policies (and budget) could be improved
- The language of budgets is the language of power. It is the Ministries of finance that are setting the agenda. Learn the language - its easy, its not mathematics
- Human Rights argumentation makes a huge difference, but you must come with the power of the political movement. Once you sit down with the finance Ministry you must tell them what your recommendations costs
- Civil and Political Rights should also be budgeted (e.g. not enough jails), ESC-Rights as well as Civil and Political rights need to be costed: they are also still not realised. All Human Rights imply costs
- States have obligations: hard obligations like debt service, soft obligations like Human Rights covenants. However, States' primary obligations are to their own citizens. External creditors must accept that the first obligation is towards the citizens
- Complexity doesn't mean that you don't take it up. We fight for recognition for our perspective. But it's a kaleidoscope, not a simple picture
- Costing is a tremendously political argument, it is a challenge to the distribution logic existing.

**Contribution by Tessa Tan-Torres Edejer, WHO** to the discussion:

- Ms Tan-Torres confirmed that one can cost the Right to Health. There are existing global price tags for, for example, fighting HIV-AIDS or for maternal health. We know the interventions cost, the production cost etc. But budgeting is about choices, which one comes first?
- Global price tags are big numbers. For Millennium Development Goal the cost is 5 \$ bn for maternal health 3,5\$ bn for child care. WHO costs it, but what comes first? It is not possible to do everything at the same time. What guidance can the Human Rights perspective offer in this? Civil Society Organisations and Human Rights organisations in particular have a responsibility in helping to develop and bring in specific Human Rights elements to this discussion. So far we have not seen a proactive approach, but we are waiting for it.

### **Issues raised during the subsequent discussion**

- If you are talking about the Human Rights paradigm you are talking about much more elements within Society. It means a change of relationship. What state are you dealing with? There is a big difference in the context between, for example, the Netherlands, Zambia and Brazil.
- Indicators can be used as a political element, it is important to bring in evidence based facts in the discussions. You are talking about values and recognition of Rights, redistribution mechanisms.
- It's important to have social movements with you; use media, create alliances, go to the Congress-members, Ministry of Health.
- If you talk about 'progressive realisation 'of Human Rights, you talk about choices. We have to come with proposals about what comes first! What does the Human Rights approach add to the discussion?
- We have to use another 'language' and open doors.

## 4. Country presentations: Nigeria, Tanzania and Zambia

In two working groups, representatives of partner-organisations; organisations with experiences on Health (Nigeria), gender-budgeting (Tanzania), MDG-costing & PRSPs (Zambia) and national budget-monitoring (Brazil) presented two country cases. The presentations can be found on CD-ROM (H,I,J). The working groups reported back on the availability, the quality and the accessibility of data in the context of experiences presented, responding the following set of questions:

1. What criteria did the actor use?
2. Where were data found?
3. Were the data accessible?
4. Were the data disaggregated?
5. Were rural data available?

### 4.1 Christian Health Association of Nigeria (CHAN), Mr. Kwakfut

1. What criteria did the actor use?
  - Constitutional provisions assigning Government roles in the provision of health services
  - National budget as official “statement of intent”
  - Health indicators on maternal health and HIV/AIDS in Nigeria
  - Capital and recurrent expenditure within the ceiling provided to federal states and local Government, indicating the contradiction: lowest health budget priority where the service demand is greatest.
2. Where were data found?
  - WHO statistics, indicating Nigeria has the second lowest immunisation ratio in the World (191th of 192 states, second only to Ethiopia)
  - NGO findings
  - World Bank reports
  - Central Government budget and expenditure statements
  - State health budgets and expenditure statements
  - Local health service budgets and expenditure statements
3. Were the data accessible? Yes, from the Statistics Section of the Government. It was accessible particularly because CHAN is a significant partner in the health sector, providing 40% of nation-wide services.
4. Were the data disaggregated? No. All obtained data were lump sums.
5. Were rural data available? Some local governments were able to provide data in rural areas, however, that was not a priority in most areas.

### 4.2 Tanzania Gender Networking Programme (TGNP) (also part of Feminist Action Coalition—FemAct and East Africa Budget Network) Mrs. Fides Chale

1. What criteria did the actor use? TGNP monitors addressed:
  - Gender division of labour
  - Women’s access to, and control of resources
  - Women’s role in decision making
  - Consequences of decision making on the Rights and conditions of women
  - Policies as they affect the poor in Tanzania
  - Beijing Principles and Declaration on the Rights of Women
  - Budget ceilings for each sector as compared with actual needs of women

2. Where were data found? : Ministry of Finance, Ministry of Education and TGNP research findings on women's rights conditions throughout the country

3. Were the data accessible? Yes, the Ministries provided data after TGNP activists identified who in each relevant Ministry were the **gate keepers** and who were the **gate openers**. The activists then sought assistance of the gate openers.

4. Were the data disaggregated? No budget data was aggregated. However, TGNP developed a gender-budgeting checklist for Ministries to disaggregate data in future (now standard).

5. Were rural data available? TGNP actually gathered their own rural data to identify needs.

N.B. Since this intervention, Ministries and Government bureaus seek TGNP consultation in the formulation of budgets. Thus, rather than TGNP "frontloading" the budget analysis, the duty bearers actually are frontloading" them.

### 4.3 Zambia

**CSPR:**           **Savior Mwambwa**  
**JCTR:**           **Simson Mwale**

1. What criteria did the actor use? National and district level budget figures from the yellow book (budget) as well as validation through government's policy documents and cabinet memos/circulars.

2. Where were data found? Government departments (heads of departments), Government official progress reports, end of year reports and plans including the national budgets

3. Were the data accessible? Generally data was accessible but accessibility varied from one Government Ministry to another and from region to region, e.g. well funded Ministries had good and well maintained reporting systems so data was easy to access, other Ministries with capacity constraints could easily make available data.

4. Were the data disaggregated? Not according to all areas; most data was easily disaggregated by geographical (Urban/rural and Provincial and district) region but not by gender.

5. Were rural data available? It was relative available to a large extent but there was a lack of disaggregation.

## 5. Practical ways to explore indicators

### Mr. Rajeev Malhotra (OHCHR)

Mr. Malhotra is working in the 'Research and Right to Development Branch' within the OHCHR and co-writer of the Paper *"Quantitative Human Rights Indicators- a survey of major initiatives"*. He explored the development of indicators, especially on the Right to Food. He gave a presentation on the practicalities of the use of indicators. Currently the OHCHR is working fast to identify Human Rights indicators to support states and others in monitoring implementation of Human Rights.

#### General comments on Human Rights-costing

- Is it appealing in practice? To be appealing Human Rights-costing should be on the minimum core content of Human Rights, but the agreement on what is the minimum core content for different Human Rights is still weak
- Rights-based monitoring requires good data from institutions
- They need to be disaggregated and specific for the most vulnerable groups
- A framework must be built for an inclusive, selective and manageable approach.

#### Indicators

- Indicators must be illustrative, empirical and robust.
- Structural, process and outcome indicators must reflect Human Rights principles.
- See OHCHR Matrix being finalised for each Right.
- Indicators must focus on primary duty bearers also on CSO's and on international co-operation.

#### Layered, contextual approach

- A layered assessment approach is needed. In some countries 10 years of schooling is seen as a relevant indicator. In other countries other indicators are more important. There are cultural and socio-economic differences that are relevant in determining applicability. The layered approach means you can go into whatever level of depth you require to adapt it to the local context.
- There should be flexibility of indicators for a country: no hard and fast rule; not prescriptive, not universal; and not regulated. The process itself is at starting point.
- "Proxy" indicators can help and facilitate. However, give priority to outcome indicators if you want to know the result.

#### Issues raised during the subsequent discussion

- On complexity: The indicators were made to understand statistics in HR-terms. After a period of discussion, when the participants are satisfied about the validity of the indicators, the products will even be simpler.
- OHCHR wants to pilot indicator matrices in countries in order to make them more usable.
- Indicator work is picking up momentum: The OECD "Metagora"- project monitors Human Rights, Good Governance and Democracy. FIAN is working on the Right to Food. The OHCHR is hoping that manuals will be available in the next year or so.

## 6. Presentation of the working groups: Identify Instruments, Support, Strategies and Models on the different Rights

We moved into four groups around specific Human Rights to get more practical experience with ESC-Rights budgeting (Right to Adequate Housing, Right to Health, Right to Water and Right to Food). The groups were asked to work out the following: **Imagine you are in a hypothetical country and you want to collect data on cost of the Human Right to challenge the Government budget?**

- 1) Which steps would you take?
- 2) Which indicators would be useful?
- 3) Do you think it would be a good Human Rights- advocacy tool?

### 6.1 Right to Adequate Housing

This group imagined a place \* X-landia with the following features: the housing budget is increasing, largely due to a “zero-slum” resettlement policy, but human well-being is declining and poverty is deepening in Resettlements outside the cities. The group proposed the next steps:

- Identify elements of the Right to Adequate Housing (HRAH)
- 12 (inextricable) components of the HRAH (see HLRN toolkit they have developed <http://toolkit.hlrn.org> )
- Identify content of HRAH:
  - Legal sources
  - Guarantees
  - Overriding principles of state-implementation
  - Obstacles and barriers
  - Affected persons (+ potentially affected persons)
  - Costs and losses
  - Duty-holders
  - Actions and interventions
    - Budget-analysis + posing
    - Alternatives towards budget-reallocation
    - Evaluation and follow-up
    - Household revenue and expenditures
- Cost data on re-settlement ; policies implemented
- Transport costs: economic indicators in rural origins losses of (uncompensated) inhabitants, woman tenure ratio in resettlement sites, lost of educational opportunities, loss of social capital, community, Family ties

Advocacy: yes a good tool.

- + compare costs of resettlement (budget) with upgrading costs
- + compare disposable household incomes before and after resettlement
- + calculate uncompensated costs/losses of education/resettlement

#### Issues raised during the subsequent discussion

- How do you cost the losses of resettlement?  
You can look to the time losses, loss of opportunities for Education, Health and calculate them, you can present evidence; there are methods to develop already used in other sectors, you can work out a “loss matrix”
- We should take care on our ‘language’ and use (most) affected in stead of victims or vulnerability
- “Shouldn’t we focus at the core-content?” No, we have to work on evictions of the broader concept, and work out, e.g. ‘Habitability’.

## 6.2 Report on the Right to Health

A developing country called X. The United Nations Committee on ESC-Rights (Committee on ESC-Rights) General comment on health is Number 14, dated 2000. Since that time health care is gone forward. So the question is whether to go with the spirit of the Right to Health or with General Comment No. 14? From the perspective of indicators, look at interventions against diseases and use a logical framework through the process to the outcome. If you are not getting your outcome, then look at the process indicators. Budget is in the input or structural indicators.

Immunisation: Measles are the last immunisation, outcome indicator would be measles mortality. How do you get the information? Data availability? The net helps Millennium Development Goals indicators, World Bank information. What are the top ten causes of diseases, what is the enabling environment that allows families to remain healthy?

- Go to the constituencies that suffer most.
- Raise the budget allocation on health across the budget.
- Not only disease and prevention, but holistic approach.
- Cost the effect.

### Steps: Basis:

Has the country completed a report to the Committee on ESC-Rights where the Right to Health is already being reflected?? That would be of great help.

Be clear it is an advocacy approach: a political effort and thus needs to include opinion leaders, use the media, address parliament, etc. So we need to build alliances on the basis of ESC-Rights as well as Civil and Political Rights so as not to compete with other Human Rights. Find out what does the constitution say on Human Rights and especially on Health; and does it help for prioritisation within rights? Try to include all relevant actors, NGO networks, patients rights groups, Ministries, WHO, etc. Organise a consultation with relevant stakeholders at the national level

**One option:** Focus on the disease model which gives more direct answers than an all encompassing interrelationship model, because it can't be handled.

**Another option:** Focus more broadly on the Right to Health, including preventive health cost – this is more difficult.

### Issues raised during the subsequent discussion

- When you talk about participation, who speaks for whom?
- HIV/Aids groups were able to make a strong lobby, but who is investing in other neglected diseases? Who is investing in the more structural side of the health system (training human resources). Let's not forget that prioritisation is a political process.
- Do you go for the core content or the broader concept of health?
- Sometimes you see contradictions; the Government is speaking about Human Rights but this is not translated in 'figures' in the budget. How can we deal with this strategically, also with UN, WHO and IMF. It seems we are losing space.

## 6.3 Report on Right to Water (& Sanitation)

### Steps

- contextual Human Rights-deficit analysis
  - policy contextual analysis
  - budget allocation for Water & Sanitation (Is it a realistic budget?)
- => How are these issues linked?

### Data collection and indicators

- Amount of time women spent on water collection (gender & children role assigned socially)
- They don't have time for other thing (interferes with right to education, time taken from other activities in the household)
- Type of diseases caused by the lack of water
- Pattern of the distribution of water-points (households within x kms. From the water-point (time lost, number of household, how much km they have walked).

### Sources

Household-studies, local, district, national Government, Health Ministries, Rural Health centres, Planning departments, NGO's, Ministry of Finance => Look on how they are the able to provide water; is it good divide; how possible it is to distribute water equally?

### Advocacy work

Yes, it is a good tool but you need to strategise

- Duty bearers:
  - Providers
  - Connect dialogue, confront, and establish coalitions
- Right-holders;
  - Possibility of participation
  - Participation
  - Excluded groups

### Issues raised during the subsequent discussion

It is not sufficient; you should also look at the equity of distribution;

- Availability for groups without access; rural and Urban groups
  - What is the policy of the Government and what are its intentions?
- => And then; look how to bridge the gap?

- Zambia: Right to Water is not in the constitution; but the Right to Water is a policy statement; and therefore there should be budget allocation for it; water is a Right! The group put a strong emphasis on advocacy work. More the Fundar approach; pinpoint the deficits; e.g. more waterpoints, gather figures in data; Urban / rural.
- Availability of water
  - Privatisation & commercialisation issues
  - Quality of water?
  - What is the price of water?
  - Duty-barriers; the Government still has to provide regulation
- You have to make a deficit analysis (groups of exclusion), to be part of national strategy to implement (and to be costed). Tools already developed -> you have to look for state-obligations (Gov., art. 11, General Comment 15 on the Right to Water art. 43 Privatisation). This has been gathered already, making OBLIGATIONS REAL.)
- Is this a frontloading approach? You should be in the policy-formulation!
- Fundar is working on the gaps; still ex-facto; we need to bring constructive parts in the budget-construction phase. We are now in the comfort zone, reacting. We have to think about frontloading; Human Rights elements brought into the budget and policy formulation. Pilot projects head in this direction. It is better to undertake it with the full basket of ESC-Rights. There is serious doubt of us producing a costed package for ESC-Rights costing.

- Use the 'twin track' approach, at the lower level we can be rougher in arguments, we have to add something on Human Rights arguments. But at the same time you have to work in one Right or a set of Rights.
- Break out the comfort zone! We can do a lot more. In Mexico during the year there was 200% MORE money available (oil income) but the Government decided on where it would go without consulting the Parliament; what about the realisation of ESC-Rights. Let's make them uncomfortable!!!
- Where are they going to get the money from?
- Making strategic alliances; methods and advocacy; which one are you using at each stage?

## 6.4 Right to Food

### Steps

- Identify the relevant national/international institutions and their status engaged in the issue
- Identify CSOs involved (social movements/NGOs)
- Identify Government Reports or CSO-shadow reports
- Analyse shortcomings (disaggregated, affected groups missing)
- Analyse the national/international legal provisions
- Causality of hunger in most affected group

### Data on

- malnutrition of women, children, disabled groups, HIV+, elderly
- calorie intake, body-mass index, landless-ness, indebtedness, unemployment, household income, water availability, % of the budget allocated, homelessness and migrant labour
- agriculture prices for producers & consumers
- environmental degradation
- regional/gender disaggregated data on hunger
- land conflict, farmer suicide, displacement, marginalisation of farmers
- access to Human Rights in women headed households
- policy in production and distribution

We need indicators to measure the adequacy of Government response

- outcome indicator (change overtime)
- process: accessibility of programme  
Corruption, transparency
- structure: legal framework  
Resource mechanism
- cost of juridical resource mechanism (Ombudspersons , National Rapporteurs)

### Advocacy

Yes, but flexible use. Do not cost everything from the beginning, start with most affected groups, most relevant policy, good, useful advocacy (chose all type of indicators)  
Advocacy is a process.

### Issues raised during the subsequent discussion

- Advocacy is a process: to identify which data could be addressed? It is not necessary to have them at the beginning; they can be extended during the time.
- You can focus on the 3-5 most affected groups.
- Food is not budgeted in one place; different Ministries, different allocations, often you have to look more in other indicators. You can look to policies; in Agriculture e.g. support goes to other groups and not to those who are hungry, you see a total neglect of these groups in the budget. Right to Food is in many areas and you have to combine.

## 6.5 General Outcome:

### Overview of Instruments, Support, Strategies and Models

#### Instruments

- Legal sources: Covenants, General comments, Cases, Constitution, Legislation
- State Policies, policies of other non-state actors

#### Support

- Strategic planning & Evaluation
- Collect data analyse through indicators
- Use all levels (local – international) and entry points
- Participation
- Education

#### Strategies

*Break out of the comfort zone!!!!!!!!!!!!!!*

#### General

- Human Rights situation/deficit analysis
- Empowerment
- Reporting (parallel reports)
- Mobilisation
- Education
- Collect data
- Use indicators
- Dialogue with duty bearers
- Confront duty bearers
- Use national institutions
- Use existing national programmes PRSP, MDGs
- Include all relevant actors in the process
- Engage international actors and strategies
- Advocacy - Parliament, Media and Opinion leaders
- Build alliances

#### Specific

- Policy and Budget analysis
- Costing the gaps needed to realise rights
- Costing violations of human rights

*As the discussion developed, the group moved beyond budget analysis and costing the gaps to key ideas and issues around costing rights .....*

- Formulation of Alternatives that support realisation of Human Rights
- Then engage in dialogue with government -> on means for successful statecraft
- Expert workshops to resolve outstanding key methods/issues around costing rights and proactive policy guidelines on Human Rights
- Develop Policy Alternatives -> positive side -> what is OK according to Human Rights standards?
- Develop long-term (5 years) realisation Plans for Human Rights
- Engage in policy formulation -> which is a precursor to budget development
- Then cost the Human Rights policies developed
- Develop Human Rights-based budget elements and explore/test them through pilots at the local level

## **Models**

### General

- Right to Adequate Housing, HRLN Toolkit, including 12 components of
  - o Elements of rights
  - o Clusters
- The “How” principles – Article 1-3 ICESCR
- The HRLN loss matrix
- The disease model

### Specific

- Graded approach engaging in General costing globally and Accurate costing nationally (possibly through gaps?)
- Costing focused on an identified most affected group
- Front loading -> after analysis of current situation, policies and budget

## 7. Suggestions for the Way Forward

After a brainstorming session in three groups; organisations from local partners, donors (APRODEV R&D Group) and internationally based experts, the groups presented suggestions for follow-up. Many ideas came up, mainly in relation to five sub-theme's.

- Stocktaking
- Developing tools and experiences (piloting)
- Building capacities
- Advocacy level
- Specific activities

Activity	Detail	Responsible party/ies	Suggestion made by
<b>Stock-taking</b>			
Mapping exercise	Map at all levels: <ul style="list-style-type: none"> <li>• skills, expertise and experience of all actors, identify the like-minded</li> <li>• existing sources of data, tools methodologies, mechanisms, lessons learnt</li> </ul> Aprovev R&D Group suggested they could act as a possible clearing house	<ul style="list-style-type: none"> <li>• Local partners, Aprovev R&amp;D Group and international experts.</li> <li>• NB: Need a co-ordinator</li> <li>• International Budget Project members and other human rights networks</li> </ul>	<ul style="list-style-type: none"> <li>• Local partners</li> <li>• International experts</li> <li>• Aprovev R&amp;D Group</li> </ul>
Engage/link with like-minded in informal discussion process		Local partners, Aprovev R&D Group and international experts	<ul style="list-style-type: none"> <li>• Local partners</li> <li>• International experts</li> </ul>
<b>Develop tools &amp; experiences</b>			
<b><i>Specific</i></b>			
Conduct a workshop on problematic methodological issues with expert participants.	<ul style="list-style-type: none"> <li>• Purpose to (a) digest what is there (mapping exercise); and (b) plan study groups to move the issues forward.</li> <li>• Share methodologies across Rights work to ensure a common language and to fill any gaps</li> </ul>	International experts, and international agencies of UN, local partners	<ul style="list-style-type: none"> <li>• International experts</li> </ul>
Study groups work on outstanding methodological issues	<ul style="list-style-type: none"> <li>• From those identified in workshop</li> <li>• Develop methods of economic and budget analysis of fulfilment and deprivation of specific Rights</li> <li>• Prioritise Rights and sectors for early application of economic/budget analysis (national, regional and</li> </ul>	International experts, and international agencies of UN, local partners, including with support from Aprovev R&D Group	<ul style="list-style-type: none"> <li>• International experts</li> <li>• Local partners</li> </ul>

	international levels) • Share methodologies across Rights work to ensure a common language and to fill any gaps		
Develop necessary tools for pilots, test quality		Local partners, international actors, including with support from Aprodev R&D Group	<ul style="list-style-type: none"> <li>• International experts</li> <li>• Aprodev R&amp;D Group</li> </ul>
Pilot exercises in countries on costing	Start with local, then national level.	Local partners (including with support from Aprodev R&D Group)	<ul style="list-style-type: none"> <li>• Local partners</li> <li>• International experts</li> <li>• Aprodev R&amp;D Group</li> </ul>
Develop tools on how to find information and how to assess it, how to use “dirty statistics”		Local partners, international experts, Aprodev R&D Group	
<b>General</b>			
Link with existing pilot projects	Such as OHCHR monitoring indicators. Others identified through mapping		<ul style="list-style-type: none"> <li>• Local partners</li> <li>• Aprodev R&amp;D Group</li> </ul>
Translate strong tools	Such as Latin American	Local partners, international experts, Aprodev R&D Group	
In ongoing projects, link Human Rights and economic data, including budget analysis		Local partners (including with support from Aprodev R&D Group)	
Develop increasingly regular networking and exchanges of experience/ info	Through informal discussion process, supported by coordinating person	Donors, development agencies, international experts, local partners, special human rights mechanisms, etc.	<ul style="list-style-type: none"> <li>• Local partners</li> </ul>
Build capacity of actors to fill any gaps in the skills basket	<ul style="list-style-type: none"> <li>• Such as local partners and international experts on budgeting and Human Rights</li> <li>• Could be through “Trainee-ships” in ESC Rights-budgeting/ scholarships by Aprodev</li> <li>• Diffuse Human Rights quantification/budget-analysis skills among social movements and interest groups by customising methods/tools</li> <li>• Develop contacts and skills for work with media, including conveying practical skills for economic/budget analysis of Rights applied to the functions of media professionals</li> </ul>	Local partners, international experts (including with support from Aprodev R&D Group)	<ul style="list-style-type: none"> <li>• Local partners</li> <li>• International experts</li> <li>• Aprodev R&amp;D Group</li> </ul>

<b>Advocacy-level</b>			
Conduct workshop on methodological and advocacy issues around budgeting for Human Rights and engage study process	As referred to under: Develop tools & experiences (Specific)		• International experts
Feed into existing mechanisms	E.g. develop tool for use of UN committee ESC-Rights	International experts (including with support from Aprodev R&D Group)	• International experts
Ensure local lessons/findings become incorporated into global development culture		Local partners, international experts (including with support from Aprodev R&D Group), and international development agencies of UN and others	• Local partners
Conduct local advocacy and lobbying with arguments arising from in-country analyses	Such as in international forums, in form of parallel reports to treaty bodies, etc. lobby Ministries Finance	Local partners	• Local partners
Conduct international advocacy and lobbying with arguments arising from in-country analyses	Such as in international forums, in form of parallel reports to treaty bodies, or Finance Ministries	Local partners, international experts (including with support from Aprodev R&D Group)	• Local partners
Develop increasingly regular networking and exchanges of experience/ info	As above under: Develop tools & experiences (General)		• Local partners

### **Activities**

<b>Activity</b>	<b>Responsible party/ies</b>
Develop Health Budget projects in Zambia, Kenya, Bolivia & Bangladesh	Wemos. Aprodev R&D Group should consider involvement
Bringing the HR-instruments in the Jubilee-movement	EED
WHO/Nairobi meeting June 2006 Right to Health and PRSP	WHO/Wemos
Organise a follow-up event during World Social Forum, Nairobi January 2007	Aprodev R&D-group with R&D caucus
Present and develop findings in Brazil/PAD November 2006 Seminar	Aprodev R&D-group

## 8. Evaluation and conclusions

Most of the participants evaluated the Workshop positively: the background of the participants was very diverse and the input of different stakeholders enriching. Most of the participants really had the feeling that they explored the main issues and there was a high level of participation and Commitment. Nevertheless some participants found that the 'overload of input' meant that there was sometimes little time to 'digest' the information presented. We could have organised a Workshop on each separate topic. Finally one other comment; maybe we should have invited the 'not like-minded' to sharpen our arguments for ESC-Rights-budgeting work even more.

It became clear during the Workshop that many are presently working fast to identify Human Rights indicators. The Office of the High Commissioner for Human Rights is developing indicators for four particular Human Rights (two ESC-Rights and two Civil and Political Rights) to support states in measuring the realisation of the core content of Human Rights in their country. They have plans to expand this process to other Human Rights shortly. The World Health Organisation is doing similar work for the Right to Health. There are further efforts by the University of Sussex in England to elaborate basic tenets for a Human Rights perspective of macro economics, and by FIAN and the University of Mannheim on indicators for the Right to Food. Finally, the OECD is working with the Metagora-project (the feasibility and relevance of "measuring" human rights, democracy and governance) to improve statistics.

The Workshop contributions left no doubt: Human Rights defenders world-wide have begun to take up the challenge of budgeting. This Workshop of the protestant development agencies came just at the right time to strengthen this process. The Workshop confirmed that with some effort, most or all Human Rights can be costed and budgeted. And the participants responded to the question of whether the effort would be worthwhile with an emphatic: YES! And we should work on it! Many international organisations are talking about the Rights-Based approach; we really have to work on how to give these words content through ESC-Rights costing, or more-so on the whole cycle of policy-making, budget-allocation and budget-spending.

The APRODEV-agencies will discuss the suggestions made during the Workshop in May and see where they can take up their own role. Other participants will also take up initiatives and see how these fit within their ongoing strategies. We do not have the intention to create a new network, but engage in concrete activities (develop and exchange methods, strategies and tools, inter-link with other initiatives (e.g. with MDG-costing, build capacities in the field of ESC-Rights budgeting, create a D-group to exchange information on policies and undertake piloting exercises). We have to build on resources that exist and hook up with the many ongoing activities. Finally, a workshop in the World Social Forum in Nairobi 2007 may offer a good opportunity to meet up again to reflect further on progress made and ideas still to implement!

## Annex A. Abbreviations

ACDIC	Association for the defence of citizens' interests
ACHR	Asian Coalition for Housing Rights
APRODEV	Association of Protestant Development Organisations in Europe
CA	Christian Aid
CAFOD	Catholic Agency for Overseas Development
CCJDP	Catholic Centre for Justice, Development and Peace, Zambia
CHAN	Christian Health Association of Nigeria
CPR	Civil and Political Rights
CSPR	Civil Society for Poverty Reduction Zambia
CSO	Civil Society Organisation
DCA	Danchurch Aid
EED	Evangelischer Entwicklungsdienst
ESCR	Economical Social Cultural Rights
GDP	Gross Domestic Product
FIAN	FoodFirst Information and Action Network
FAO	Food and Agriculture Organisation of the United Nations
HR	Human Rights
HLRN	Housing and Land Rights Network
HRAH	Human Right in Adequate Housing
HIV	Human Immune Virus
IBP	International Budget Project
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHR	International Council on Human Rights
IDASA	Institute for Democracy in South Africa
IMF	International Monetary Fund
INESC	Instituto de Estudos Socioeconômicos, Brazil
JCTR	Jesuit Centre for Theological Reflection
LWF	Luthern World Federation
MDG	Millennium Development Goal
MDRI	Multilateral Debt Relief Initiative
NCA	Norwegian Church Aid
NGO	Non Governmental Organisation
PAC	Public Affairs Committee
PAD	Proceso de Articulacao y Dialogo
PRSP	Poverty Reduction Strategy Paper
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
R&D-group	Rights and Development Group
SLIC	Socio-Legal Information Centre / India
SC	Supreme Court
SR	Special Rapporteur
TNGP	Tanzania Gender Networking Programme
UN	United Nations
WHO	World Health Organisation

## Annex B. Participants list Workshop 'Budgeting the Rights' 4-6 April 2006 Geneva

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1 Mr.	Rajeev Malhotra	OHCHR	Geneva	Working on Human rights Indicators	rmalhotra@ohchr.org
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## Annex C. Workshop Methodology

Daily Programme, Tuesday, 04.04.06

### *Getting to know participants background and setting the Theme*

Topic	Method
Informal introduction Presentation of institutional profiles and exchange of experience	Name-game „Marvellous Mary“ Information-Market
Summarising information from info-market Official opening and key note Workshop objectives and programme overview Visions from the stakeholders	Feedback by Observers  Speech by Peter Prove, LWF Peter Lanzet, EED
Participants introductions and expectations	Speeches by Robert Archer, ICHR Colin Gonsalves, SLIC, India Carol Rask, DCA Sociometric lines and groups (names, marital status, professions, experience in budgeting)
Workshop Practicalities Participants satisfaction with the first day	Exchanging expectations in groups of 2 and 4 and presentation to plenary Pim Verhallen, ICCO Sociometric ranking

Daily Programme, Wednesday, 05.04.06

### *ESC Budgeting – a tool of a dream? How to go about ESC-Budgeting in practice?*

Topic	Method
Warm-up Summary of results of the previous day Introduction into ESC-Budgeting methodology State of the art in HR/MDG-costing	2-minutes talks in pairs Robert Phiri, PAC PowerPoint Input by Michael Windfuhr, FIAN, plenary discussion Visualised input by Helena Hofbauer, FUNDAR, plenary discussion
Country specific and subject mater presentation	Input in 2 sub-groups: a)Zambia, Simson Mwale, JCTR Savior Mwambwa, CSPR Brazil, Iara Pietricovsky, INESC b)Tanzania, Fides Chale, Tanzania Gender Networking Nigeria Dr. Kwakfut, CHAN
Energizer Feedback from sub group b) Methodology and indicators for monitoring human rights Energizer Strategies and steps of ESCR budgeting process in relation to Human Rights (food, housing, health, water)	“Change your mind” – game with threads Presentation PowerPoint-Input, Rajeev Malhotra, OHCHR, plenary discussion “Yes! – No!” Moderated brainstorming in 4 sub-groups
Informal networking and exchange of opinions	Supper at Lake Geneva

**Daily Programme, Thursday, 06.04.06**

***Collecting the working groups results and looking ahead strategically***

<b>Topic</b>	<b>Method</b>
Summary of the previous day	Peter Lanzet, EED
Exchange of results from sub-groups	Plenary discussion Visualised presentation by 4 rapporteurs, Plenary discussion
Summary of strategies and models applied	Meta-plan cards, Emma Sydenham
Transferability to participants environments	
"Way forward" from perspectives of partners in the South, development experts and donors	Sociometric ranking  Brainstorming in 3 sub-groups, visualised on cards
Energizer	"The ship is sinking!"
"Way forwards" continued	Presentation of group work results
Conclusions	Pim Verhallen, ICCO
Workshop evaluation	Matrix-ranking, comments
Closure	Elie Storesletten, Norwegian Church Aid

## Annex D. List of relevant web-sites

IBP

[www.internationalbudget.org](http://www.internationalbudget.org)

IDASA

[www.idasa.org.za](http://www.idasa.org.za)

HLRN

[www.hlrn.org /](http://www.hlrn.org/)

<http://toolkit.hlrn.org>

International Covenant on Economic, Social and Cultural Rights

[www.unhchr.ch/html/menu3/b/a\\_ceschr.htm](http://www.unhchr.ch/html/menu3/b/a_ceschr.htm)

OHCHR

[www.ohchr.org](http://www.ohchr.org)

OECD Metagora project

[www.paris21.org/pages/about-paris21/](http://www.paris21.org/pages/about-paris21/)

WHO Health and Human Rights

[www.who.int/hhr](http://www.who.int/hhr)

ESCR-Net

[www.escr-net.org](http://www.escr-net.org)

FIAN

[www.fian.org](http://www.fian.org)

Fundar - Centro de Análisis e Investigación

[www.fundar.org.mx/english/index.html](http://www.fundar.org.mx/english/index.html)

Gender Responsive Budget Initiatives

<http://www.idrc.ca/gender>

International Human Rights Internship Program

<http://www.iie.org/Website/WPreview.cfm?WID=171>

Human Rights Education Associates database

<http://www.hrea.org/erc/>

AAAS/HURIDOCS Economic, Social, and Cultural Rights Project

ESCR Monitoring Systems

<http://shr.aaas.org/escr/monitoring.htm> a

Thesaurus of Economic, Social, and Cultural Rights: Terminology and Potential Violations

<http://shr.aaas.org/escr/>