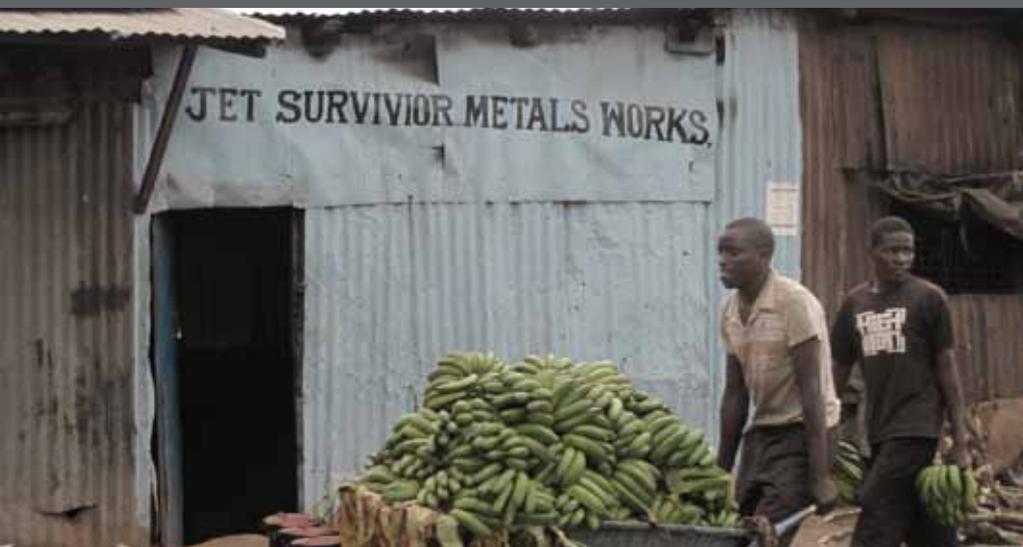


RIGHTS-BASED POLICY MONITORING

KNCHR Primer on Assessing Compliance with
Economic and Social Rights Obligations



CENTER FOR ECONOMIC AND SOCIAL RIGHTS

TWENTY YEARS FIGHTING FOR SOCIAL JUSTICE THROUGH HUMAN RIGHTS

The origins of this primer

This primer was produced as part of an eighteen-month project 'Enhancing the Capacity of National Human Rights Institutions to Monitor Economic, Social and Cultural Rights'. This collaborative project between the Center for Economic and Social Rights (CESR) and the Kenya National Commission on Human Rights (KNCHR) was implemented from 2010 to 2011.

The primer consolidates materials that were presented during a two-day training workshop held at KNCHR's office in Nairobi in November 2011 and attended by KNCHR staff and representatives from civil society organizations. Its content is tailored to KNCHR's specific monitoring activities and capacity building demands.

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CENTER FOR ECONOMIC AND SOCIAL RIGHTS

3rd Floor, 162 Montague Street
BROOKLYN, NEW YORK, USA
Tel: +1 718 237-9145
Fax: +1 718 237-9147
Website: www.cesr.org
Email: rights@cesr.org

KENYA NATIONAL COMMISSION ON HUMAN RIGHTS

1st Floor, CVS Plaza, Lenana Road
P.O. Box 74359-00200
NAIROBI, KENYA
Tel: 254-20-2717908/ 2717256/ 2712664
Fax: 254-20-2716160
Website: www.knchr.org
Email: haki@knchr.org

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Introduction

In 2011 the Kenya National Commission on Human Rights (KNCHR) underwent important rites of passage. On 29 July, it marked its eighth anniversary which came amidst a transition to a new legal status as a constitutional commission following the popular promulgation of Kenya's Constitution of 2010. Some of the vibrant internal debates that characterized this transition (which happened formally in August 2011 when Parliament passed the Kenya National Commission on Human Rights Act, 2011), related to the question of, '**what shall we do differently?**'



This question had been on the radar for some time and took a more structured form during the development of the KNCHR's 2009-2013 Strategic Plan. In this Plan, the KNCHR commits itself to using the human rights-based approach to plan, implement, monitor, and evaluate its work. This institutional choice was based on the need to make KNCHR's work more relevant, pragmatic and complementary to other initiatives in the public service. It had become clear that building a culture of human rights was never going to be the work of a single institution and neither could it be accomplished by ensuring a mastery of international human rights conventions but rather by popularizing a way of doing things informed by human rights standards, delivered using human rights respecting processes and aimed at realizing human rights outcomes.

It is in the pursuit of this commitment that KNCHR initiated partnerships with the Ministry of Justice, National Cohesion and Constitutional Affairs, the Office of the High Commissioner for Human Rights (Kenya Office) and the Center for Economic and Social Rights. Following a series of training workshops on the human rights-based approach in which KNCHR staff participated, it was agreed that each participating organization would carry out institution-wide training on the HRBA as part of building internal capacity first, before seeking to build that of other public institutions.

With Kenya's Constitution 2010 itself inspired strongly by human rights standards, a common approach that enhances public service delivery in conformity with the Constitution cannot be over-emphasized. In seeking to build the capacity of its staff in the human rights based approach, in order to become an effective player in delivering its constitutional remit, KNCHR is well ahead of the pack.

The Primer will certainly improve the Commission's institutional effectiveness and accountability overall. I am fortunate to have had the opportunity of participating in the makings of this new path that will doubtlessly provide new and serving members of staff an invaluable point of reference for ideas of 'how to', practical tools and a coherent methodology of doing work.

I encourage all of you to have it at your desks for quick reference.

Wambui Kimathi

Former Commissioner,

Kenya National Commission on Human Rights

About This Primer

This primer is designed to be used by staff at the Kenya National Commission on Human Rights (KNCHR) when carrying out their activities related to monitoring economic and social rights (ECOSOC rights). It provides a straightforward introduction to key topics relevant to adopting a rights-based approach to monitoring development policies—breaking down what can be a complex and unfamiliar task for human rights advocates.

The primer does not need to be read cover-to-cover, all in one go. It can be stored as a reference tool and relevant parts or modules can be quickly checked or read in-depth, depending on the activity being undertaken.

The primer is structured around three parts which together provide an introduction to monitoring of ECOSOC rights.

PART ONE: key concepts focuses on the linkages between the human rights-based approach to development and ECOSOC rights. In particular, it highlights why monitoring ECOSOC rights is a key element of the rights-based approach. Module one presents an overview of the rights-based approach, which is an approach concerned with ensuring that development advances human rights standards and principles. Module two outlines those standards and principles in greater detail. Module three introduces OPERA, a four-step framework for capturing those standards and principles in monitoring activities.

The following parts then present various tools and techniques for assessing ECOSOC rights that can be used for the different steps of the OPERA framework.

PART TWO: indicators and benchmarks introduces this particular tool for monitoring the fulfilment of ECOSOC rights. Module one outlines the key features of human rights indicators and benchmarks and their relevance under the OPERA framework. Module two considers some of the issues associated with collecting data to use for indicators. Module three explains how to present that data visually to strengthen its impact.

PART THREE: budget analysis focuses on how to monitor the government's obligation to use the maximum of its available resources to fulfil ECOSOC rights. Each of the modules outline the key human rights issues associated with how the government generates, allocates, and spends resources and introduces some basic techniques for assessing these issues.

As it is specifically tailored to KNCHR, the case studies and examples discussed reflect institutional experiences. However, the primer is structured in such a way that it can also be useful in introducing the concept of ECOSOC rights to other groups. For example, staff will be able to take the material and adapt and expand upon it to conduct training programs on ECOSOC rights.

The primer is not an exhaustive document and there are many important issues that it does not address. The objective in producing the primer has been to provide a basic framework on ECOSOC rights monitoring, in the hope that KNCHR staff will be inspired to pursue more in-depth enquires about specific ECOSOC rights issues through the rich list of resources provided in the recommended further readings section.

PART 1

Key Concepts



MODULE 1

The Human Rights-Based Approach

A human rights-based approach focuses on marginalisation and exclusion. Deprivations of needs like food, water, shelter and education are seen as denials of rights. By focusing on the relationship between the state and its citizens, a human rights-based approach thus seeks to empower rights-holders to claim their rights and to enable duty-bearers to meet their obligations, in order to address poverty and inequality.

This module introduces the rationale for and basic thinking behind the human rights-based approach. Specifically, it considers the following questions: What is a human rights-based approach? What is its value? How is it different from other approaches to development?

1.1 How is a human rights-based approach defined?

OHCHR, FREQUENTLY ASKED QUESTIONS ABOUT A HUMAN RIGHTS-BASED APPROACH

A human rights-based approach is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyze inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede development progress.

It is now widely accepted that advancing human rights is essential for human development. Recognising this, international organisations and national governments are increasingly adopting a human rights-based approach to development. A human rights-based approach integrates the norms, principles, standards and goals of the international human rights system into the process of developing and implementing public policies. Specifically, human rights standards guide the goals of human development, while human rights principles guide the process of development. At a methodological level, human rights-based strategies emphasize:

- The process of enhancing empowerment of marginalized groups
- The processes of enhancing accountability of duty bearers
- Collaborative action between rights holders and duty bearers

Human rights standards define the goals of development

Under a human rights-based approach, specific results, standards of service delivery and conduct come from the normative standards contained in universal human rights instruments, conventions and other internationally agreed goals, targets or norms. In this way, countries can translate such goals and standards into time-bound and achievable results. Put simply, a rights-based approach asserts that the main objective of development-related policies, legislation, regulations and budgets should be to fulfil human rights.

Human rights principles guide the process of development

When adopting a human rights-based approach, human rights process principles apply at all stages of the policy cycle: assessment, analysis, planning, implementation, monitoring and evaluation. These principles are often referred to using the mnemonic 'P.A.N.T.H.E.R.', which was first developed by the UN Food and Agriculture Organisation (FAO).

Equality and Non-discrimination: A human rights-based approach demands that those suffering discrimination and disadvantage in any given context be given priority attention, especially the poorest of the poor and those experiencing multiple forms of discrimination (e.g. rural women of an ethnic minority).

Participation and Inclusion: A human rights-based approach requires the active, free, and meaningful participation in, contribution to, and **enjoyment of development policies. Participation is a human right**, enshrined the International Covenant on Civil and Political Rights and is closely linked to other rights, such as the right to information or the right to freedom of assembly.

Transparency and Accountability: A human rights-based approach emphasises that duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to appropriate redress.

PANTHER

- P - participation
- A - accountability
- N - non-discrimination
- T - transparency
- H - human dignity
- E - empowerment
- R - rule of law



THE UNITED NATIONS COMMON UNDERSTANDING, 2003

All programs of development co-operation, policies and technical assistance should further the realization of human rights as laid down in the international human rights instruments.

Human rights standards and principles guide all development cooperation and programming in all sectors and in all phases of the programming process.

Development cooperation contributes to the development of the capacities of 'duty-bearers' to meet their obligations and of 'rights holders' to claim their rights.

1.2 What does a human rights-based approach tell us?

One of the most fundamental dynamics of human rights, and consequently of a rights-based approach, is that every human being is a **rights-holder** and that every human right has a corresponding **duty-bearer**.

Rights-based analysis strengthens traditional policy analysis by focusing explicitly on the impact of policies on people. Rights-based analysis therefore asks:

- Who has been left behind and why?
- What are they entitled to?
- Who has to do something about it?
- What do they need to take action?
- How should action be taken?

THE COMPLEXITY OF POVERTY

We build solutions based on how we see and identify the world around us. If one argues that a man is hungry because he has no food, the solution is to give him food. If one argues that a man is hungry because he is unable to get sufficient food from his small plot of land, then the solution will imply increasing the amount of land available or its output. If we add in extra information, i.e. that the plot is too small because most of the village land was taken over by a government farm then the solution is different again. If we also identify that he is in fact more likely to be a she, and that being a woman she was not eligible to the government scheme of redistribution of land then the complexity deepens further. Simple solutions may thus scratch only the surface of the reality that makes up poverty.

Source: Applying a rights-based approach: an inspirational guide for Civil Society, Danish Institute for Human Rights

Who has been left behind and why? Asking ‘who’ helps us to identify persistent patterns of discrimination, exclusion, impunity and powerlessness. Asking ‘why’ is a form of causality analysis, which reflects the principle that rights are indivisible and interdependent and should help identify immediate, underlying and root causes of exclusion.

What are they entitled to? This question emphasises that the human rights norms contained in the treaties are not just words on the page – but applicable standards. Achieving these standards is necessary for expanding the freedoms and opportunities inherent to human development.

Who has to do something about it? It is important to identify, specifically, who are the duty bearers – those with obligations to act – and to define what should be expected of them.

What do they need to take action? This question helps identify critical capacity gaps that prevent action. These capacity gaps will nearly always involve gaps in legal, institutional, policy, and budgetary frameworks. A knowledge gap on human rights awareness is also common. The ‘they’ in this question refers to both rights-holders and duty-bearers.

How should action be taken? Remember that a key characteristic of the human rights-based approach is that the *process* is equally important as the *outcome* of development.

1.3 What is the value of a human rights-based approach?

There are two main rationales for a human rights-based approach:

1. The **intrinsic rationale**, acknowledging that a human rights-based approach is the right thing to do, morally and legally; and
2. The **instrumental rationale**, recognizing that a human rights-based approach leads to better and more sustainable human development outcomes.

In particular, a human rights-based approach stresses obligations and requires that all duty-bearers, including states and intergovernmental organizations, be held to account for their conduct. Accountability is increasingly recognised as central to sustainable development.

In practice, the reasons for pursuing a human rights-based approach are usually a blend of these two rationales.

1.4 How is a human rights-based approach different to other approaches?

Traditionally, a country’s level of development was conceptualized narrowly—over-emphasizing economic growth (i.e. the rise in a country’s GDP). In recent decades, a more expanded idea of development has taken off, known as ‘human development’. This conceptualization sees development as the improvement in people’s standard of living, which is measured by indicators such as life expectancy, literacy rates, and poverty levels.

Nevertheless, the stereotypes of this approach to development are that it continues to be pragmatic, empirical, consequentialist, and measures outcomes based on overall aggregate or average levels. Development professionals have tended to be economists and social scientists and their agenda is set through international summit commitments, development goals such as the MDGs, poverty reduction strategies, economic policies, and sector-based policies etc.

The stereotypes of human rights, on the other hand, are that they are normative, idealistic, and individual-focused. Professionals working on human rights have tended to be lawyers and political scientists, who base their work on economic, social and cultural rights, as set out in international, regional, and national laws, along with national human rights plans.

While the debate about how to better integrate human rights and human development has advanced a lot from these stereotypes, there are still some notable differences, as outlined in the following table.

The 'needs-based' approach	The 'rights-based' approach
Needs are contextual and open-ended.	Action is mandatory.
Hierarchy of needs.	Rights indivisible and interdependent, though practical prioritization may be required.
Beneficiaries deserve help.	Beneficiaries have universal and legally established claims and entitlements to enforceable rights.
Passive beneficiaries – <i>can</i> be invited to participate.	Beneficiaries are active participants, <i>by right</i> .
Pragmatic ways to work with structures.	Power structures must be effectively changed.
Development is technocratic – for experts.	Development should transform behaviour, institutions and empower rights-holders.

Source: OHCHR HRBA Training

1.5 What are some of the challenges of a human rights-based approach?

One challenge is that human rights standards do not tell us exactly what policies need to be enacted to improve the human rights situation. Policy decisions need to make trade-offs between competing priorities. By themselves, human rights standards can rarely resolve these complex policy choices. As highlighted above, however, they do place conditions on how these decisions should be made. This is significant because it helps ensure that decisions on trade-offs have followed adequate consultation (through a participatory, inclusive and transparent process); comply with the principles of equality and non-discrimination; and do not result in weakening human rights.

Another challenge is that while a human rights-based approach values participation and empowerment, it can be difficult to measure the quality of participation, to ensure that it is not merely a formality. When participation is 'instrumental', people may be involved in discussions, but have no decision-making power or real ability to influence decision-makers. To be sure that participation is truly 'transformative', real effort has to be made to empower people so that decision-makers are willing to respect their positions.

Further, ensuring accountability can be difficult in practice, particularly where national capacities are weak or duty-bearers are unwilling to act.

1.6 Why is monitoring important for a human rights-based approach?

The information gathered through monitoring can help judge whether the priorities and trade-offs of a particular policy are acceptable. Specifically, monitoring can uncover whether:

- the process of setting priorities involved the meaningful participation of all stakeholders;
- any trade-offs have caused or exacerbated disparities in rights enjoyment;
- any alternatives offered realistically allow for the sustainable enjoyment of rights;
- the benefits of a particular priority are concentrated among already advantaged groups

As discussed further in the following modules, monitoring development policies is therefore crucial for ensuring that decision-makers are held accountable for their choices when they do not comply with the human rights principles and standards outlined in the next module.

MODULE 2

The Content of ECOSOC Rights

Although civil and political rights and ECOSOC rights are recognised as ‘universal, indivisible, interdependent and interrelated’, historically, ECOSOC rights have received less attention than civil and political rights, resulting in a misperception that they are somehow conceptually different or inferior. Nevertheless, much progress has been made in recent decades to bridge this gap. This module looks at conceptual advances in relation to ECOSOC rights. Specifically, it asks: What are the sources of ECOSOC rights? What is the state obliged to do to realise these rights? When will the state violate these rights?

2.1 How are ECOSOC rights framed internationally?

The Universal Declaration on Human Rights, adopted in 1948, recognises civil and political rights and economic, social and cultural rights. In the following decades these rights were elaborated in two separate legally binding covenants, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both adopted in 1966. Together, these three instruments are often referred to as the international ‘Bill of Rights’.

The Covenant on Economic, Social and Cultural Rights protects those rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education. In the past two decades, significant progress has been made in clarifying the legal content of internationally recognized economic, social and cultural rights, as well as in developing mechanisms and methodologies to implement them.

In December 2008, the General Assembly adopted the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*, which establishes mechanisms for hearing individual complaints, inter-state communications, and for addressing grave or systemic violations of ECOSOC rights. Ten states need to ratify the Optional Protocol before it will come into force.

Other international treaties set out the rights of particular groups and also contain relevant provisions on ECOSOC rights. These include:

- Convention on the Rights of the Child (esp. arts 23-32);
- Convention on the Elimination of all forms of Racial Discrimination (esp. art 5);
- Convention on the Elimination of all forms of Discrimination against Women (Part III);
- Convention on the Rights of Persons with Disabilities (esp. arts 23-28); and
- Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (esp. arts 27-31).

Information about the treaties that Kenya has ratified or acceded to can be accessed at: <http://www.ohchr.org/EN/countries/AfricaRegion/Pages/KEIndex.aspx>.

Implementation of the international treaties

The Committee on Economic, Social and Cultural Rights is the treaty body mandated to oversee the implementation of the ICESCR. The Committee adopts 'General Comments' that give an authoritative interpretation of the Covenant's provisions, as well as 'concluding observations' on states' periodic reports that make recommendations on how states can improve their performance in implementing the Covenant. It is important to note that the comments and observations are **not legally binding**, but carry **considerable legal weight**.

The Committee has adopted 21 general comments, which interpret, among others, the rights to education, to work, to adequate housing, to water, to adequate food and to the highest attainable standard of health. These general comments can be accessed at: <http://www2.ohchr.org/english/bodies/cescr/comments.htm>.

Similarly, other treaty bodies have adopted general comments on their conventions that can also serve as a useful reference in interpreting ECOSOC rights issues. Likewise, reports of the Special Rapporteurs on issues related to ECOSOC rights have articulated how general principles might apply to various dimensions of rights. The Special Rapporteur on Health, for example, has issued reports on maternal health and on mental health.

The decisions of national courts have also helped to clarify the concepts and obligations underpinning ECOSOC rights. In interpreting these concepts, courts have developed tests to judge legislative or administrative action which they have commonly framed as 'reasonableness', 'adequacy' or 'proportionality'.

Once the Optional Protocol to the Covenant comes into force, it can be expected to offer another source of jurisprudence on ECOSOC rights, even before Kenya ratifies it.

2.2 How are ECOSOC rights framed regionally?

At the regional level, the African Charter on Human and Peoples' Rights (the African Charter); the Protocol to the African Charter on the Rights of Women in Africa; and the African Charter on the Rights and Welfare of the Child all contain provisions on ECOSOC rights. The African Commission on Human and Peoples' Rights is mandated to interpret the provisions of the African Charter and its decisions on individual complaints offer jurisprudence on the Charter's provisions.

2.3 How are ECOSOC rights framed nationally?

The Covenant on Economic, Social and Cultural Rights forms part of Kenyan law, as guaranteed under Article 2(6). Further, ECOSOC rights are explicitly guaranteed under Article 43(1), which recognises rights to: the highest attainable standard of health care, including reproductive health care; accessible and adequate housing; reasonable standards of sanitation; freedom from hunger and adequate food of acceptable quality; clean and safe water in adequate quantities; social security; and education.

Importantly, the Constitution sets out clear obligations on the state (Article 21) to progressively realise the rights in Article 43 and affirms that these rights are justiciable (Articles 22 and 23).

In addition, it emphasizes that if the state claims it has not fulfilled an Article 43 requirement because of lack of resources, the onus is on the state to show that in allocating resources it prioritised ensuring 'the widest possible enjoyment of the right or fundamental freedom having regard to prevailing circumstances, including the vulnerability of particular groups or individuals' (Article 20(5)).

2.4 What are the state's obligations in relation to ECOSOC rights?

ECOSOC rights, such as the right to health or to housing, do not mean that individuals have a right to be healthy or that the state should provide houses. However, they do impose obligations on the state about how it should act. Article 2(1) of the Covenant spells out what states are expected to do to advance ECOSOC rights. The African Charter and Kenyan Constitution use similar formulations. The elements of Article 2(1) are outlined below.

Three levels of obligations

The Covenant imposes three levels of obligations on States – Respect, Protect and Fulfil. Failure to perform any one of these obligations constitutes a violation of the Covenant:

- **Obligation to Respect** requires states to refrain from interfering with the enjoyment of ECOSOC rights. E.g. the right to housing is violated if the state conducts forced evictions.
- **Obligation to Protect** requires states to prevent violations of such rights by third parties. E.g. if the government fails to regulate business enterprises which pollute water sources.
- **Obligation to Fulfil** requires states to take appropriate legislative, administrative, budgetary, judicial and other measures towards the full realisation of such rights. Elements of the obligation to fulfil include duties to:
 - **Facilitate:** take measures to facilitate access to and use of goods and services.
 - **Promote:** inform people of their rights and how to claim them.
 - **Provide:** provide goods and services to people when, for reasons beyond their control, they are unable to obtain them.

Obligations of conduct and obligations of result

Each type of obligation outlined above has various elements, which are broadly categorised as being either 'obligations of conduct' or 'obligations of result'.

The obligation of **conduct** relates to the actions a state is expected to take. For example, to meet its obligation to fulfil, the state is expected to take action reasonably calculated to realise the enjoyment of a particular right, such as the adoption and implementation of a plan of action to reduce maternal mortality to fulfil the right to health.

The obligation of **result** relates to the outcomes a state is expected to achieve. For example, to meet its obligation to fulfil, the state is expected to achieve specific targets, such as the reduction

COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, ARTICLE 2(1)

Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

of maternal mortality to levels agreed at 1994 Cairo International Conference to fulfil the right to health.

Generally, the results expected in relation to the obligation to fulfil can be achieved **progressively**. In its General Comment No.3, the Committee interpreted the concept of progressive realization to mean that state parties must move 'as efficiently and expeditiously as possible towards the realization' of ECOSOC rights. However, some results are expected to be achieved **immediately**. These include the Covenant's minimum core obligations and the obligation to prevent discrimination.

Minimum core obligations

This obligation requires the realization of minimum essential levels of each right. States must make every effort to use all resources at their disposition to satisfy the fulfilment of these basic levels, as a matter of priority. The minimum core obligations apply irrespective of availability of resources or any other factors and difficulties. Accordingly, if many people are deprived of essential foodstuffs, primary healthcare, basic shelter and housing, this is considered a *prima facie* violation of the Covenant.

Non-discrimination

Differential treatment based on a 'prohibited ground' is discrimination unless the justification for it is reasonable and objective. Article 2(2) lists prohibited grounds, but these are not exhaustive. The state has an obligation to eliminate *de jure* discrimination by abolishing without delay any discriminatory laws, regulations and practices (including acts of omission as well as commission) affecting the enjoyment of ECOSOC rights. *De facto* discrimination, occurring as a result of the unequal enjoyment of ECOSOC rights, should be brought to an end 'as speedily as possible'. Affirmative action or positive measures may be needed to end *de facto* discrimination.

The duty to take steps

The state has an obligation to begin immediately to take steps towards full realization of ESC rights. At the national level, state parties shall use all appropriate means including legislative, administrative, judicial, economic, social and educational measures to effect ECOSOC rights.

Following jurisprudence of the South African Constitutional Court, the duty to take steps can be interpreted to mean that the state must: assess the situation concerning each right; make a plan for realising the right; adopt laws and policies to put the plan into action; and develop mechanisms for monitoring the situation providing up-to-date disaggregated information.

The Committee has also spelled out how the steps taken by the state should translate to goods and services on the ground. Specifically, steps must improve:

- Availability: goods or services must be available in sufficient quantities.
- Accessibility: necessary goods (such as food or medicine) or services (such as healthcare or education) must be both *physically* and *economically* accessible to all, *without discrimination* and the community must have *information* about them.
- Acceptability and adaptability: necessary goods and services must be culturally and socially acceptable and adapted to the local context.

- Quality: necessary goods and services must be appropriate and adequate in standard and safety.

The state also has an obligation to provide effective remedies. These include monitoring and investigating; administrative measures such as complaints mechanisms; and judicial remedies.

Maximum Available Resources

This is an important qualification of the obligation to take steps. States frequently attribute their failure to fulfil ECOSOC rights to lack of resources. However, it is necessary to interrogate such a claim. In doing so, attention should be paid to equitable and effective use of existing resources and to efforts to access additional resources (remembering that available resources refer to both the resources within a state and those available from international cooperation and assistance).

2.5 When does a state violate ECOSOC rights?

A human rights violation occurs when the state fails to act in accordance with a human rights obligation under national, regional or international law.

Acts of **commission**

- The formal removal or suspension of legislation necessary for the continued enjoyment of an ECOSOC right that is currently enjoyed;
- The active denial of such rights to particular individuals or groups, whether through legislated or enforced discrimination;
- The active support for measures adopted by third parties which are inconsistent with ECOSOC rights.

Acts of **omission**

- The failure to take appropriate steps as required under the Covenant;
- The failure to reform or repeal legislation which is manifestly inconsistent with an obligation of the Covenant;
- The failure to enforce legislation or put into effect policies designed to implement provisions of the Covenant;
- The failure to regulate activities of individuals.

MODULE 3

Capturing Key Concepts in Policy Analysis

As discussed in Module One, accountability is a key principle of a human rights-based approach to development. KNCHR is a key mechanism for accountability. Through its activities, KNCHR analyses policies, laws, regulations and budgets from a human rights perspective to assess whether they comply with the state's human rights obligations. This Module looks in more detail at how to monitor the obligation to fulfil ECOSOC rights in a way that comprehensively captures the various dimensions outlined in the previous module. Specifically, it asks: Why is the obligation to fulfil challenging to monitor? What is the OPERA framework? How can it be applied in practice?

3.1 Why is it important to monitor policies?

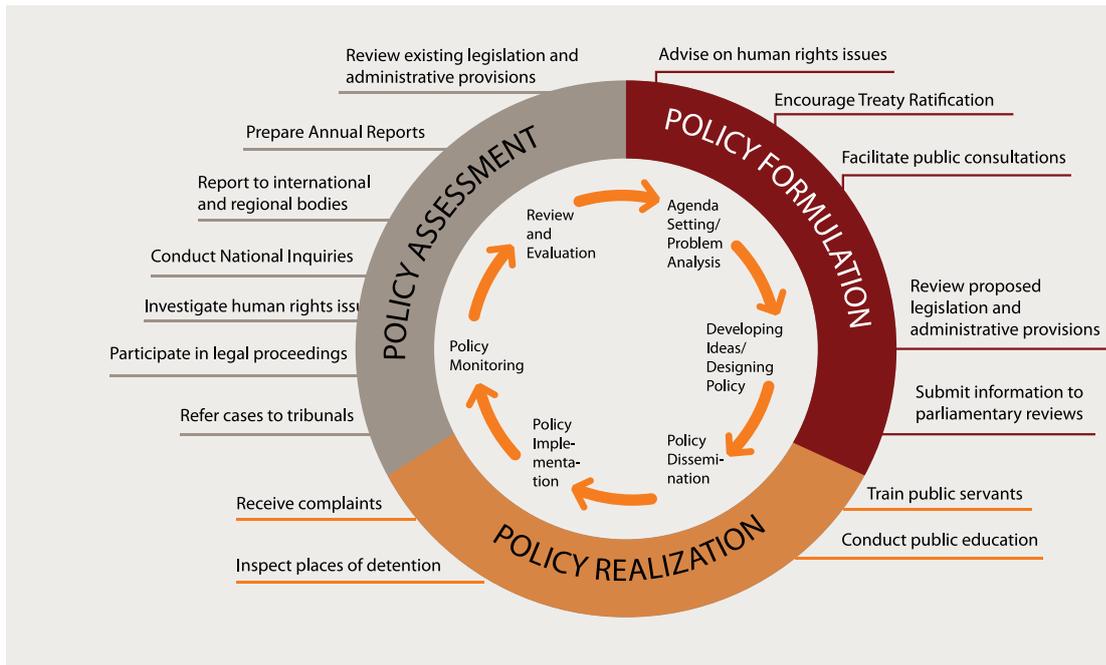
Monitoring is understood as the 'active collection, verification and use of information to address human rights problems'. It has two defining features:

- It is an ongoing activity that 'systematically uses information in order to measure the achievement of defined targets and objectives within a specified time frame'.
- It provides feedback on the processes for implementing these targets and the problems they may face.

Effective social and economic policy is crucial for fulfilling ECOSOC rights. Monitoring ensures accountability when policies do not lead to improvements and provides feedback on how they should be changed. But, the obligation to fulfil is more difficult to monitor, as we have to assess progressive realization against maximum available resources.

3.2 How do national human rights commissions monitor rights?

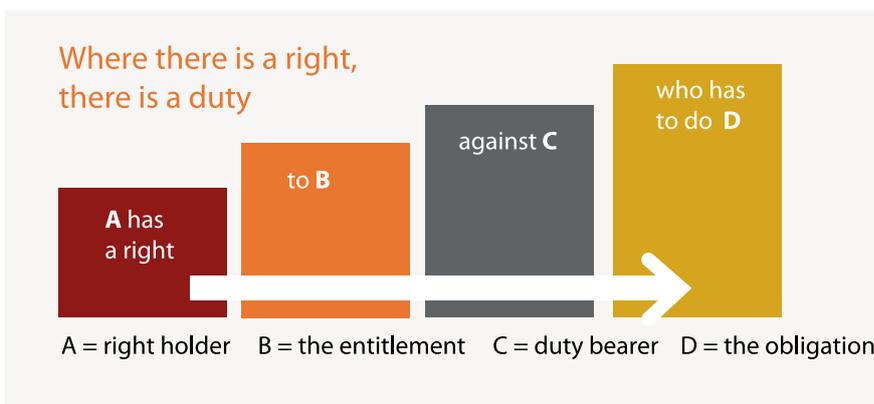
Monitoring is an activity that underpins a variety of the functions KNCHR performs in discharging its mandate. KNCHR might monitor the situation facing an individual (e.g. when investigating complaints); facing a group (e.g. when visiting prisons); or facing the country as a whole (e.g. when preparing its state of human rights reports). Importantly, KNCHR performs different functions at different phases of the policy cycle, as shown in the diagram below.



Source: Center for Economic and Social Rights

3.3 What makes policy analysis difficult from a human rights perspective?

When rights deprivations such as hunger, homelessness or illiteracy result from the *specific* actions of state or non-state actors (e.g. when a family is forcibly evicted from their home or children with disabilities are not allowed to go to school), the causal chain, as illustrated below, is fairly direct and the relationship between the duty-bearer and rights-holder can be seen on a case-by-case basis. However, when such deprivations result from dysfunctions or shortcomings in policies, the link between 'A' and 'D' is much more indirect.



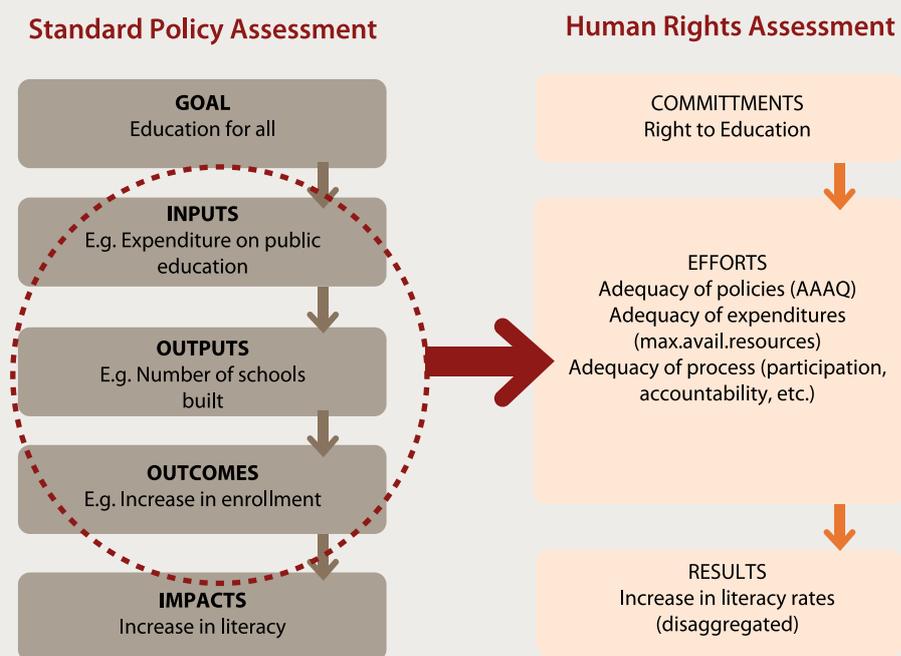
Source: OHCHR HRBA Training

Further, the standards and principles relevant to understanding the obligation to fulfill, as it relates to ECOSOC rights, are numerous and multi-dimensional, as discussed in the previous module and summarized in the table below.

Elements of the Obligation to Fulfill:

- **Duty to take steps:** to adopt legislative, judicial, budgetary, administrative and other measures to fulfill ECOSOC rights. (Source: ICESCR, *Optional Protocol to the ICESCR, Committee on Economic, Social and Cultural Rights General Comments*)
- **Maximum available resources:** must be provided to the steps taken to fulfill rights, including resources that can be provided through international cooperation. (Source: ICESCR, *Optional Protocol, General Comments*)
- **Minimum core obligations:** an immediate duty to prioritize achieving minimum essential levels of rights enjoyment universally. (Source: *General Comment No.3*)
- **Non-discrimination:** a duty to ensure substantive equality in enjoyment of rights and in steps taken to fulfill rights. (Source: *ICESCR and General Comments*)
- Duty to ensure that relevant services needed to fulfill rights are **available, accessible, acceptable** and of **adequate quality (AAAAQ)**, without discrimination. (Source: *General Comments*)
- **Progressive realization:** duty to move swiftly towards increased levels of rights enjoyment, with no deliberate retrogression. (Source: *ICESCR Art 2*)
- **Participation, transparency and accountability:** must be ensured in the policy-making/ monitoring process. (Source: *General Comments*)

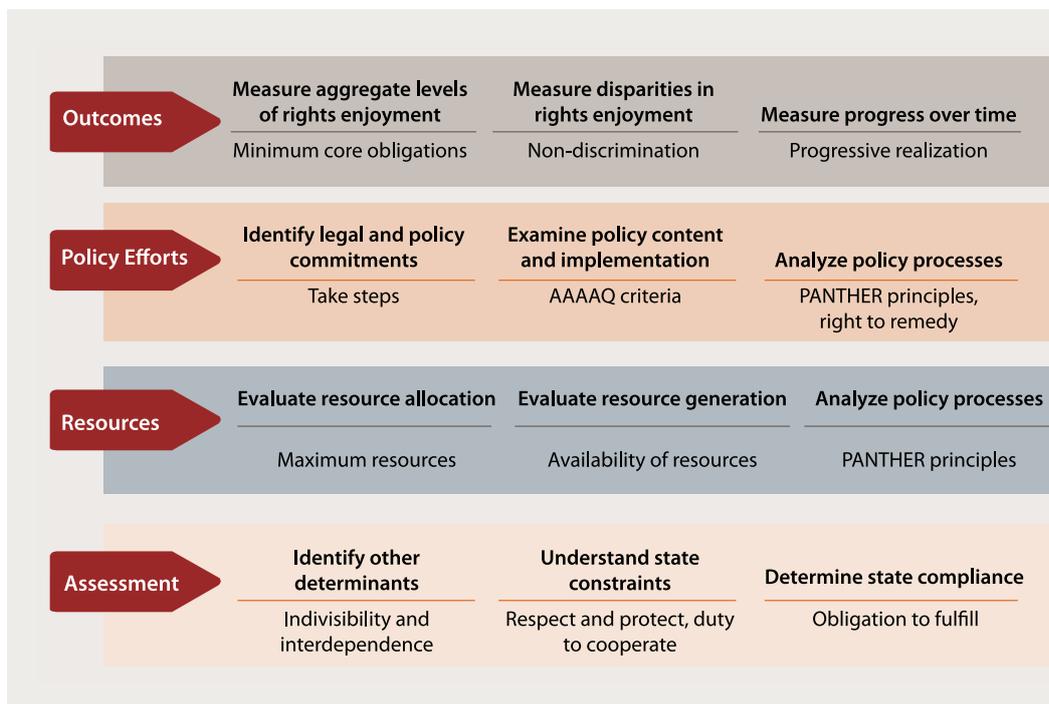
Because the obligation to fulfill is concerned with the *conduct* of the state, not only the *results* of its conduct, looking at the outcomes of government policies alone is insufficient to establish a violation of the obligation to fulfil. It is also necessary to make a judgment about the ‘adequacy’ of these policies themselves. As shown in the following diagram, human rights standards and principles can be integrated into policy evaluation, to guide us in our assessment of the adequacy or otherwise of a state’s public policies.



Source: Center for Economic and Social Rights

3.4 What is the OPERA Framework?

The OPERA Framework provides a structure to holistically assess public policy against these various standards and principles. The framework is based on four main steps: Outcomes; Policy Efforts; Resources; and Assessment. Each of these steps provides a broad checklist of some of the main questions that need to be answered when analyzing a particular right. Importantly, each step is closely connected to relevant human rights standards and principles (e.g. policy content is assessed against the AAAAQ criteria, policy processes are assessed against the principles of participation, transparency etc). Combined, the steps enable us to demonstrate—more convincingly—the links between conduct and results.



Source: Center for Economic and Social Rights

Step One asks: What are the current levels of enjoyment of the right? Do these levels appear high or low when compared to similar countries? How do these levels change when we look the situation of particular social groups? Has the level of enjoyment of the right gotten better or worse over time? Has progress been rapid or slow, consistent or sporadic?

Step Two asks: What legal and policy commitments have been made to give effect to the right? Do the initiatives undertaken to implement these commitments ensure services are increasingly made available, accessible, acceptable and of adequate quality; in principle and in practice? Do such initiatives prioritize the reduction of disparities and the achievement of universal minimum levels of the rights in question? Do policy processes ensure participatory and accountable decision-making?

Step Three asks: Do allocations prioritize the provision of essential services? Who has benefited from spending? How has spending evolved over time? How has the state budget evolved over time? What have been its main sources of revenue (e.g. taxes, aid, remittances)? Are policies

governing the raising of revenue fair and efficient? What is preventing the state from raising additional revenue?

Step Four asks, for example: What other socio-economic, political or cultural factors inhibit people's ability to enjoy the rights being studied? Why has reform been slow or why are more resources not available? Has it been a result of genuine limitations on the state? Interference from third parties? Lack of political will?

3.5 How can the OPERA Framework be used in practice?

To answer the questions at each step, the framework adopts a multidisciplinary approach, combining a range of research techniques such as:

- simple, descriptive statistics and data that are not overly complex or technical;
- human rights indicators developed by the UN and regional human rights bodies;
- benchmarks set in relevant fields (e.g. public health);
- techniques of budget analysis to interpret the state's fiscal policy;
- traditional human rights reporting methods, including narrative testimony gathered through field visits in order to listen to affected individuals and communities and ensure that numbers are complemented with human stories.

These tools and techniques are described in more detail in the following modules.

Case Study: A Human Rights Audit of the Mental Health Sector in Kenya (KNCHR, November 2011)



PART 2

Indicators and Benchmarks



MODULE 4

Introducing Indicators and Benchmarks

As discussed in the previous module, identifying indicators and benchmarks to measure ECOSOC rights is a key element of the OPERA framework. They are used, in particular, to measure outcomes and to evaluate the delivery of services against the criteria of availability, accessibility etc. This module introduces basic skills for developing and working with human rights indicators and benchmarks. Specifically, it asks: What are human rights indicators? What value do they bring to monitoring and communicating findings on human rights compliance? How can human rights indicators be used in policy monitoring?

4.1 What are human rights indicators?

At its most basic level, an indicator is ‘a thing that indicates a state or level’. In other words, an indicator provides a signal that points to prevailing circumstances at a given place and given point. Indicators are often based on some form of quantification (e.g. proportion of children immunised) or qualitative categorisation (e.g. the extent to which access to retail markets by women hawkers has improved).

Socio-economic indicators that show people’s standard of living have been used in the development field for a long time (e.g. UNDP’s Human Development Reports). However, for socio-economic indicators to become human rights indicators they **need to reflect the human rights norms and standards**, outlined in module two of the previous section. In particular, **indicators should capture states’ obligations of conduct, as well as result**.

4.2 What are human rights benchmarks?

An indicator by itself is just a number. To judge whether it is high or low we need to know how the number *compares* against a reference point. A benchmark is a goal or target that can provide such a reference point e.g. to cut illiteracy by 50%, or achieve 100% literacy. Comparing indicators *over time* is also important to judge how much progress has been made towards achieving a goal or target.

4.3 What is the value of human rights indicators and benchmarks?

Human rights indicators help clarify and communicate the practical content of human rights. They are a tool to support qualitative or narrative human rights assessments, by bringing further transparency and objectivity to measure compliance with and progress towards implementation

of human rights. In particular, human rights indicators provide state and non-state actors with human rights data against which to prioritize actions on human rights and to measure human rights progress over time.

Importantly, human rights indicators differ from other types of statistical information in that they are unequivocal about their focus: people. In this way, they provide a language for the voiceless, the vulnerable and marginalized to get the public's attention.

4.4 How can we use human rights indicators and benchmarks?

As noted above, what differentiates human rights indicators and benchmarks from other types of statistical data is that they reflect key human rights norms and principles. Specifically, indicators can be used to measure:

- **Obligations of result:** socio-economic indicators, also referred to as outcome indicators, can act as proxies for measuring the level of enjoyment of a right (e.g. literacy rates relate to education, malnutrition rates to food, disease prevalence rates or mortality rates to health etc). These indicators are used in step one of the OPERA framework.
- **Obligations of conduct:** indicators that quantify inputs and outputs, also referred to as process indicators, can help measure the availability, accessibility and quality of goods and services by telling us what services exist, where, how much they cost and who is using them (e.g. indicators like the number of schools, average distance to the nearest school, student to teacher ratio, and students' performance on standardised tests show how successful efforts to realise the right to education have been). These indicators are used in step two of the OPERA framework.

Further, both outcome and process indicators can measure:

- **Minimum core obligations:** by identifying indicators that relate to the minimum core of a particular right (e.g. primary education as part of the right to education, maternal health as part of the right to health).
- **Non-discrimination:** by disaggregating indicators according to the prohibited grounds of discrimination it is possible to identify groups that are not enjoying a right to the same level as the general population or who are not accessing a good or service needed.
- **Progressive realization:** looking at an indicator over time, are things improving, stagnating, or regressing? Are we making adequate progress towards a defined benchmark?

4.5 What is the OHCHR indicator framework?

In 2006 the Office of the High Commissioner for Human Rights (OHCHR) developed a conceptual and methodological framework for human rights indicators. The framework begins by breaking down the narrative on the normative content of human rights (drawing from the international human rights treaties and general comments of the UN treaty bodies) into *attributes*. It then identifies *structural*, *process* and *outcome* indicators for each of these attributes and suggests ways of capturing cross-cutting human rights norms.



- **Structural indicators** reflect ratification and adoption of legal instruments and existence of basic institutional mechanisms necessary to facilitate the realisation of human rights.
- **Process indicators** assess the implementation of state policies and specific measures taken by duty-bearers in meeting their obligations on the ground.
- **Outcome indicators** capture the attainment of rights, individual and collective, to reflect the status of realisation of human rights in a given context.

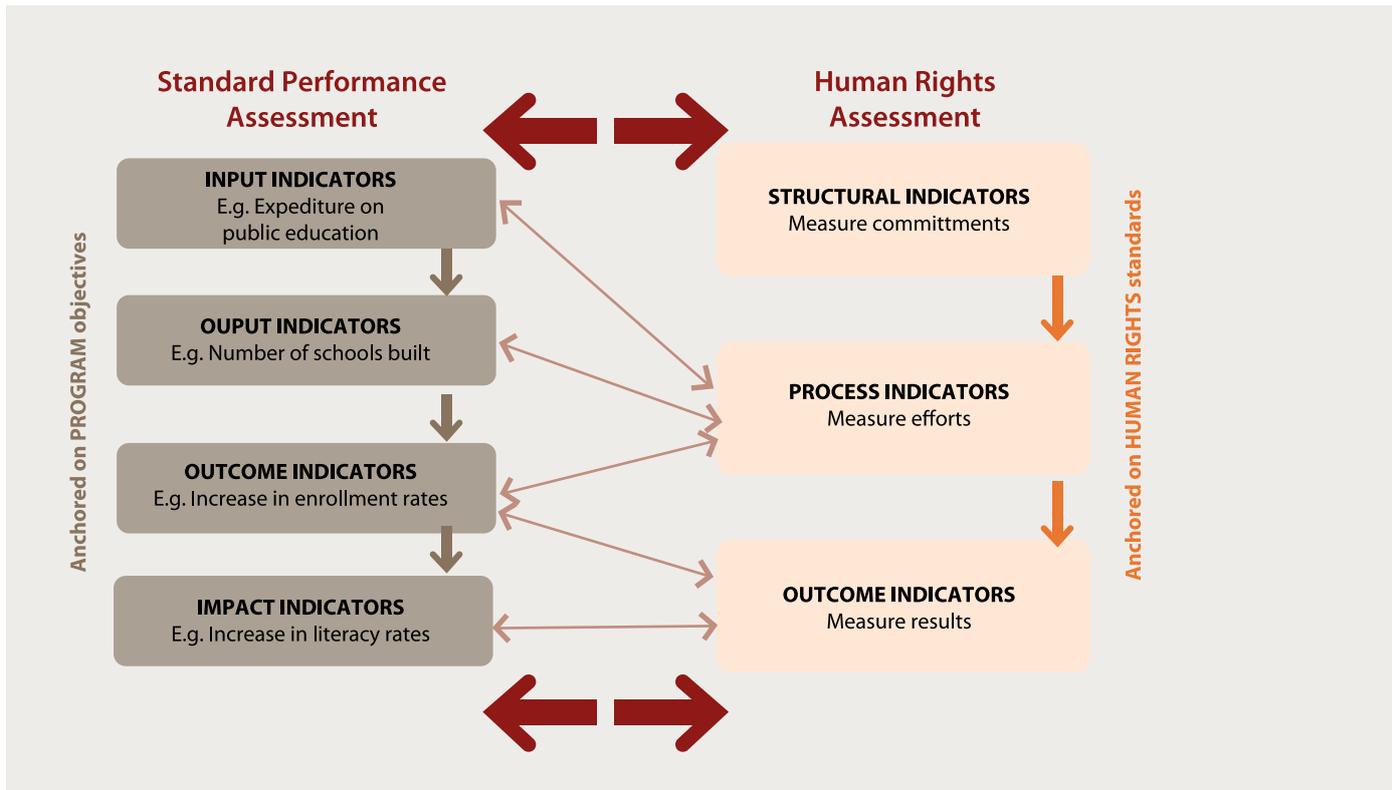
OHCHR suggests capturing cross-cutting norms by:

- **Non-discrimination and equality:** disaggregating indicators according to prohibited discriminations and emphasizing indicators that relate to the 'accessibility' (in addition to 'availability') of relevant goods and services.
- **Effective remedies:** identifying indicators on legal, administrative and other remedies.
- **Participation:** identifying indicators for the existence and use of participatory mechanisms (e.g. proportion of targeted population groups reporting satisfaction with how involved they feel in decision-making process affecting them) and ensuring that the process of identifying indicators is itself participatory.

The OHCHR has developed 14 tables of illustrative indicators on the following rights: life; liberty and security of person; adequate food; health; participation in public affairs; not being subjected to torture or cruel, inhuman or degrading treatment or punishment; education; adequate housing; work; social security; freedom of opinion and expression; a fair trial; non-discrimination and equality; and freedom from violence against women. For each indicator, the OHCHR has developed a 'meta-data sheet', which gives the definition and rationale for the indicator; spells out its method of computation; identifies data sources etc.

The relationship between the OHCHR indicators and the OPERA Framework

The categories proposed under the OHCHR framework broadly correlate to the first two steps of the OPERA framework: outcome indicators, unsurprisingly, can be useful under the outcomes step. Under the policy efforts step, structural indicators can be useful for assessing the state's human rights commitments, while process indicators can be useful for assessing the adequacy of policies that have been put in place to meet these commitments. So when identifying indicators to use within the OPERA framework, the lists prepared by OHCHR can be a useful starting point.



Source: OHCHR HRBA Training

4.6 Limitations and challenges in the use of indicators

It is important to remember that indicators, as their name implies, give an indication of what a particular situation is. Quantitative data is well suited to diagnosing a situation by answering the questions ‘how much’, ‘how many’, ‘to what extent’, ‘where’ or ‘when’. But it is much more limited in terms of answering ‘why’ a situation is the way it is. For this reason, it is necessary to combine indicators with qualitative information and with a more in-depth analysis of why there has not been greater progress towards set goals. In the case of the mental health audit, for example, it was feedback gathered through key informant interviews and stakeholder consultations that uncovered that it was stigma and discrimination against people with a mental illness that was hampering reform efforts.

Another frequent challenge can be finding the relevant data. The following module considers this issue in more detail and discusses options for locating secondary data, as well as for collecting primary data.

MODULE 5

Collecting Information on Indicators

Once indicators and benchmarks have been set, sources of information for them need to be identified. This module discusses how to collect the information that underpins indicators and benchmarks. Specifically, it asks: What information do we need? What sources of that information are available? What methods could we use to collect that information? How reliable will that information be?

5.1 What type of information is used for monitoring?

WHAT IS THE DIFFERENCE BETWEEN DATA AND INDICATORS?

An indicator identifies the question you want to answer, for example: the number of people who do not have adequate supplies of potable water. Data is what is used to answer that question, for example: 14 million.

Indicators are frequently based on quantitative data, i.e. in the form of numbers and percentages. Official socio-economic and administrative data related to people's standard of living is a common source of this type of information. When preparing the State of Human Rights Report, for example, KNCHR might analyze the enrolment ratio in primary education to review the right to education or the proportion of population using improved water sources to review the right to water. As discussed in the previous module, this kind of data is not explicitly human rights focused, but may be analysed through a human rights lens.

Qualitative information may also be converted into quantitative data, for example:

Events-based data on human rights violations: When individuals or groups petition KNCHR about a case or situation that they believe amounts to a violation of their rights, it is usually necessary to gather 'on-the-ground' facts. For example, if a community has been forcibly displaced from their homes, the complaints and investigations unit will make its own enquires about what happened, how many people were affected, who was responsible, and so on. Information gathered through such methods is often called 'events-based'. While it is usually qualitative, such information may be tracked in a database. From this database, it is possible to trace trends and patterns in the types of violations received by KNCHR.

Household opinion and perception data: KNCHR might collect information to find out the views of a population on the functioning and policies of governmental bodies and institutions. This kind of information is predominantly subjective, but may be quantified when responses are categorised along a scale. E.g. the proportion of a population partially satisfied or wholly satisfied with government policy.

Data based on expert judgements: Different organisations have calculated scores that represent Kenya's performance in a particular area (e.g. the corruption index) by combining experts' responses to a number of subjective questions. These rankings can be a useful starting point for KNCHR in monitoring activities as they allow for relatively easy cross-country comparisons.

5.2 Where is this information found?

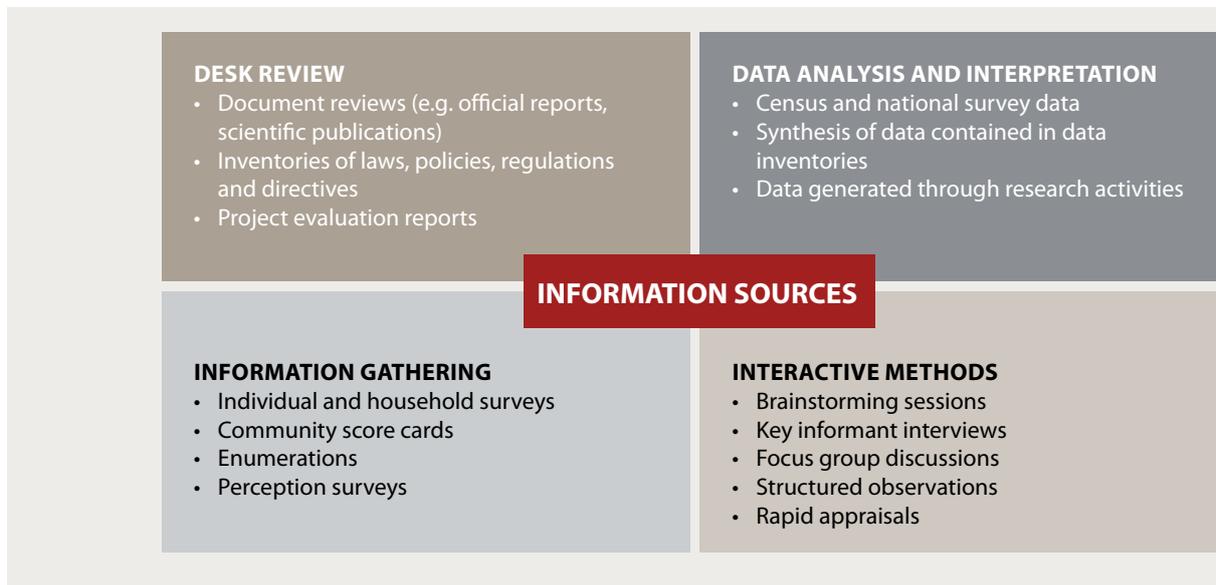
Quantitative data or qualitative information – whether it is socio-economic, events-based or perception data – can be either:

- Primary – collected by KNCHR staff themselves; or
- Secondary – already collected by other actors, such as the government, civil society, international organisations etc.

The following diagram lists some examples of techniques for gathering information relevant for ECOSOC rights monitoring.

AGGREGATED AND DISAGGREGATED DATA.

Aggregated data is collected without making any distinctions. E.g., the number of people without access to water in a community is 6,000. Disaggregated data is divided according to set criteria, e.g. by sex, age, area where people live, to show where the needs are greatest.



5.3 How should we judge different sources of information?

All information should meet the criteria of reliability, transparency and impartiality. These criteria are influenced by how frequently data is collected, how broadly data is collected, how questions for data collection are framed etc.

The table below compares some advantages and disadvantages of different data sources.

Characteristics	Records	Census	Survey
Inclusion criterion	All events registered	All units (100%)	All sampled units
Cost	Low	High	Medium
Frequency	Ongoing	10 years	3-5 years
Bias	Can be incomplete	Theoretically no bias	usually there is bias but can be minimal if well designed
Potential for policy making / monitoring	Very good	Good, but not in the short run	Good

In some cases, data is accompanied by ‘meta-data’. This provides information on data sources, computation methods, measures of variability and description of errors (e.g. bias and sampling errors), which can help to judge the reliability of this information.

5.4 Collecting and analysing secondary data

The government uses statistics to compare different ethnic, geographic or economic groups. Sources of secondary government data include:

- Administrative records (e.g. vital registration systems, health services or facility-based data, education records etc.)
- Census (population and establishment censuses; sampling frame and ‘denominator’ for many indicators etc.)
- Government – national statistics office (e.g. KDHS, Economic Surveys)

International organisations use national statistics to compare across the world. Sources of secondary international data include:

- UNDP – <http://hdr.undp.org/en/data/profiles/>
- World Bank – <http://data.worldbank.org/>
- World Health Organisation – <http://www.who.int/research/en/>

USEFUL TIP:

the Kenya Open Data Initiative (www.opendata.go.ke) makes some key government data freely available to the public through a single online portal.

It is important to note that there may be differences in data provided by international databases (e.g. MDG, UNSD common databases) and national databases. Where it is possible, comparing government statistics and reports with those of the international community or civil society organizations, can help to cross check for reliability and/or conflicting information or interpretations.

5.5 Collecting and analysing primary information

In some cases, it may be necessary to collect primary data on a local scale. Secondary data is an invaluable resource when monitoring macro-level issues on a national or sub-national scale. However, such information is generally not specific enough when the issue being monitored is more micro-level. Although collecting primary data and information is generally time consuming and resource intensive, in some circumstances it is the best option for gathering the evidence needed to support a particular monitoring activity.

When collecting primary data and information, it is important to adopt a human rights-based approach. Community members need to know why information is being gathered and how it will be used. As such, the community should be involved and consulted at every stage of the process. Information gathered should be relevant to the interests of the community—as a whole, and as individual members of the community, without discrimination—in accordance with the objectives of the monitoring activity.

Quantitative data can be collected through individual or household surveys or similar tools—in the form of written questionnaires or oral interviews. For example, KNCHR is currently completing a data collection exercise with UNHCR. Information is being collected on the state of IDPs’ housing, water and sanitation, health, education, income etc. The exercise began in May 2011 and by the end of September 2011, 3,100 responses had been received. Data collection tools for the exercise include household surveys, key informant interviews and focus group discussions:

- *Advantages:* easy to administer surveys offer a standardised way of gathering data to fill a knowledge gap and build evidence for policy advocacy.
- *Challenges:* very resource intensive; broad-based so not comprehensive on specific issues; some concepts difficult to translate from English.

Case studies using qualitative approaches can complement quantitative indicators. This helps assess the situation facing particular persons and groups and illustrate how the rights deprivations they face impact on their day-to-day lives. Such analysis should include narrative from individuals about the reasons they are unable to exercise their rights. This is also important from a human rights perspective, to 'put a face' to the numbers.

Methods for collecting testimony include public hearings, interviews or focus group discussions. In exercising its inquiry function to conduct the national public inquiry on sexual and reproductive health, for example, KNCHR was able to collect testimony and personal stories from large numbers of witnesses.

MODULE 6

Communicating Indicators and Benchmarks

The previous modules in this section focused on collecting and analysing information on human rights indicators. This module looks at how to use that information for effective advocacy. Specifically, it asks: Why is it important to visualise indicators? How can basic graphs and charts be created using Excel?

6.1 Why is it important to visualize indicators?

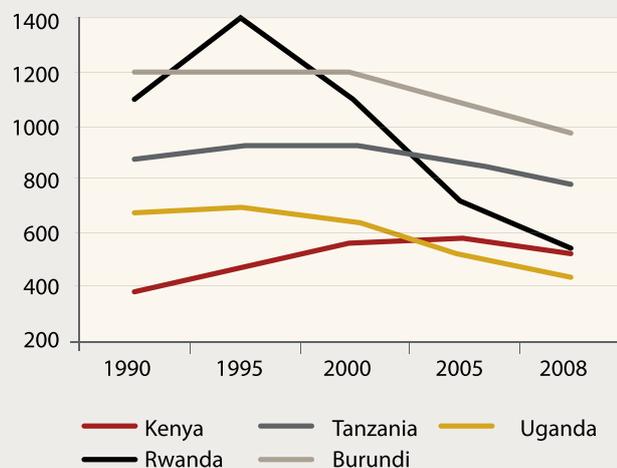
The now clichéd saying that ‘a picture speaks a thousand words’, or in this case numbers, is nowhere more relevant than in relation to the use of data in reports on human rights compliance. Reports filled with numbers and statistics can easily lose a reader and hide important information. To serve as effective advocacy tools, therefore, reports need to interpret this data for the reader; highlighting insights and important findings about the state’s human rights compliance in ways that are easy to read and absorb.

Consider, for example, the table and the graph below, which both contain the same information about the maternal mortality ratio in East Africa. Which of the two sends the most powerful message about how Kenya’s maternal mortality ratio has compared to its neighbours over the past 20 years?

Maternal Mortality Ratio (per 100,000 live births), East Africa

	Kenya	Tanzania	Uganda	Rwanda	Burundi
1990	380	880	670	1100	1200
1995	460	920	690	1400	1200
2000	560	920	640	1100	1200
2005	580	860	510	720	1100
2008	530	790	430	540	970

Source: World Bank Data

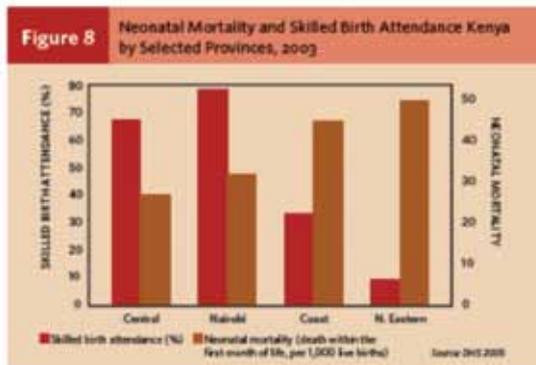
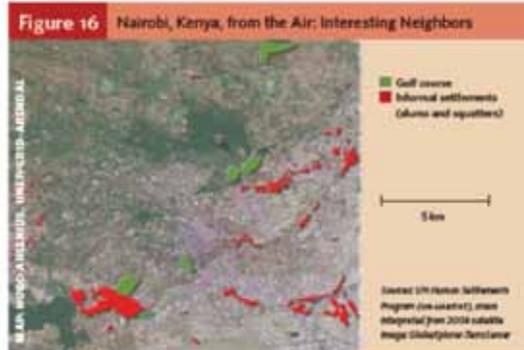


6.2 Examples of visualization

Center for Economic and Social Rights: Factsheet on Kenya

Over 70 percent of urban Kenyans live in slum-like informal settlements

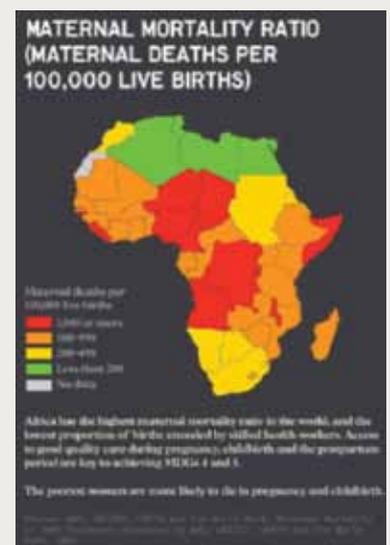
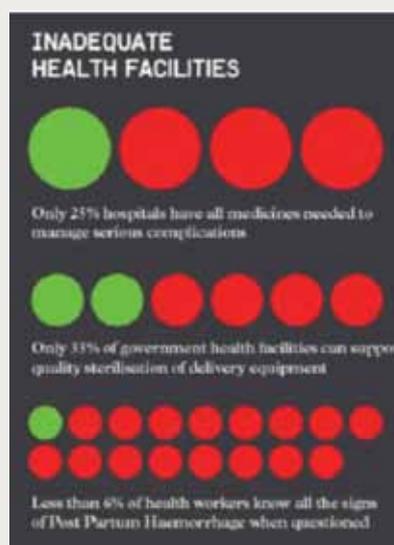
The right to adequate housing is far from being fully realized in Kenya's cities, where 70 percent of the population live in slums. Kibera, the largest slum in Nairobi, is home to almost 800,000 people and is located next to a golf course roughly the same size. Yet while the golf course has irrigated greens, the slum dwellers lack access to water or sanitation. About 94 percent of households in the slums lack access to even basic physical and social infrastructure, and hygienic conditions are extremely poor.



Reproductive health services do not target those areas most in need

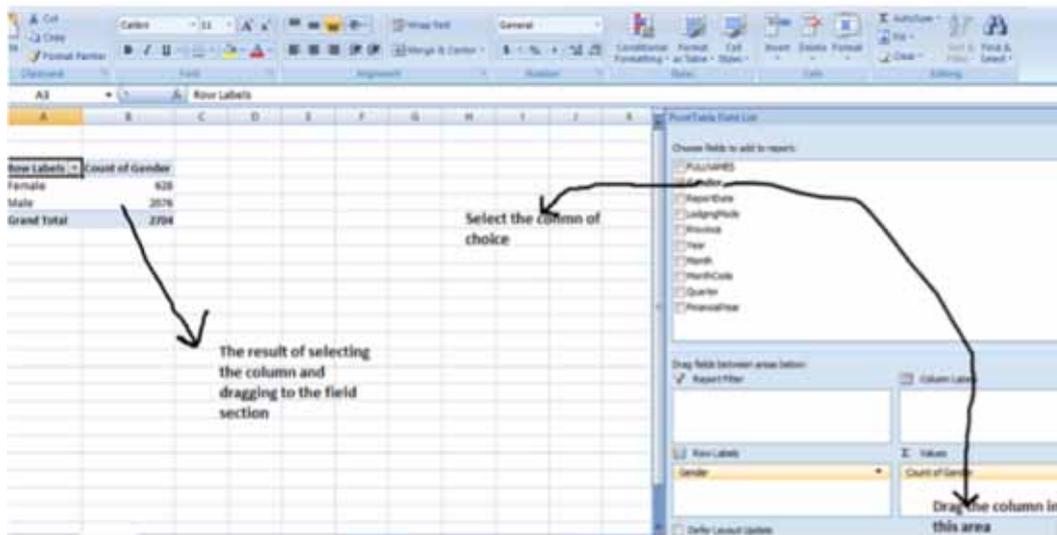
While eight out of every ten births in Nairobi are attended by skilled health professionals, less than one in ten births in North Eastern province are attended, which may contribute to the much higher neonatal mortality rates there. The Coast province also has high levels of neonatal mortality, yet disproportionately low proportions of births attended by skilled health professionals. This suggests that the provision of reproductive health services is not reaching those most in need. The decline in attendance by skilled health professionals is also a serious concern given that approximately 14,700 women still die each year due to pregnancy-related complications. (Kenya HDR 2006).

White Ribbon Alliance: Atlas of Birth



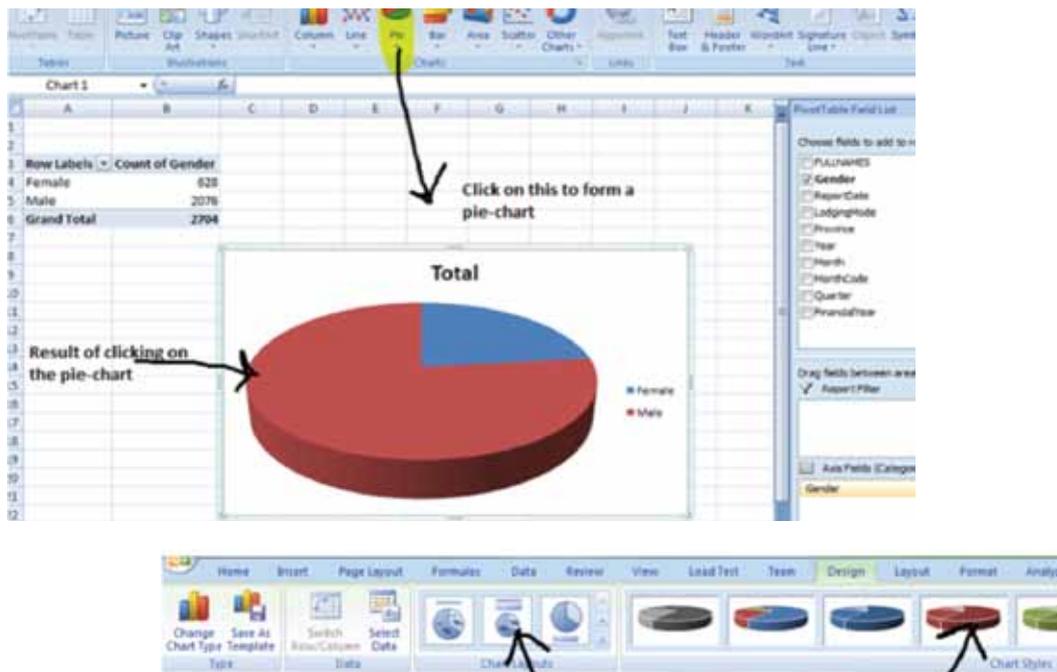
3. Add data to the pivot table

- Click the data field you want to use from the Pivot table Field List (i.e. the columns from your excel sheet).
- Drag this field and drag to the 'Σ' values field as shown below.
- The data categories should appear in a table, along with their numerical count.



4. Create your chart or graph

- Your data is now ready for creating a chart.
- Click on the 'Insert' tab and select the chart of choice (e.g. column, line, pie, bar etc.). It should display the results as shown below.
- You can change the 'look' of your chart (e.g. the colors, legend and percentages etc.) by clicking on the 'Chart Layouts' and 'Chart Styles' buttons, as shown below.



PART 3

Budget Analysis



MODULE 7

Evaluating Resource Allocation

Step three in the OPERA framework considers whether the state is dedicating the *maximum of its available resources* to the right or rights being reviewed; a key element of the obligation to fulfil ECOSOC rights. A starting point to answer this question is to look at what resources it has allocated to the right. This module outlines basic techniques for evaluating resource allocations. Specifically, it asks: why is it important to analyse allocations? What benchmarks can we use to assess allocations? How can we engage in the process of determining allocations?

7.1 Why is it important to analyse resource allocation?

Lack of financial resources due to underfunding frequently prevents duty-bearers from fulfilling their obligations. The concept of 'progressive realisation' recognises that this gap can only be addressed over time. However, it is necessary to determine whether underfunding results from a genuine lack of resources, or from a failure to allocate resources in line with human rights principles. What a government spends its money on has implications in terms of its human rights obligations, for example to fulfil rights and ensure availability and accessibility of services, while also addressing equality and non-discrimination, transparency and accountability, and participation.

7.2 What human rights principles are relevant to resource allocation?

Minimum Core Obligations: allocations should prioritise the achievement of basic levels of rights enjoyment for all.

- E.g. allocating a significant portion of the education budget to secondary or tertiary education, when a significant proportion of the population has not completed primary school would generally not be in line this principle.

Non-discrimination: allocations should prioritise closing the gap between different groups.

- E.g., allocating most of the education budget to urban areas, if children in rural areas are not completing school would generally not be in line with this principle.

Progressive realisation: allocations should increase as available resources become greater.

- E.g., allocating the same amount to the education sector, when the budget overall is growing would generally not be in line with this principle.

Process principles: the process of deciding on allocations should reflect the principles of participation, access to information, transparency and accountability.

- E.g., a budget that is drawn up in secret, with no information given to the public would generally not be in line with the principle.

7.3 How are resource allocated?

The budget is the key policy document prepared by the government. The budget has three components: revenue, expenditure and surplus or deficit (the difference between revenue and expenditure). It reveals how much money the government intends to raise (revenue), from whom (sources), and how it will be spent (expenditure).

A good budget should be:

- Able to stimulate economic growth, job creation and investment in the economy
- Flexible and sustainable, without relying on donor funding
- An operational plan that reflects the priorities of the country
- A tool for fulfilling human rights

A good budget process is:

- **Transparent** – the public should be able to get access to information about the budget and budget processes.
- **Accountable** – to the people with regard to the budget process, revenue, spending and impact.
- **Participatory** – involving people in the budget process and taking into account their expressed desires and needs.

7.4 How can we assess if allocations reflect human rights principles?

1. Read the budget
2. Calculate:
 - ratios or shares (percentage of something out of a total)
 - averages (mean value of budget allocations)
 - per unit or per capita expenditure (value per person)
3. Make cross-sectoral comparisons (identify priority areas and groups)
4. Analyse trends (to compare progress over time)
 - Adjust for inflation (converting nominal figures into real figures)

Determining priority areas

The budget is said to reflect the government's 'true priorities'. By calculating ratios it is possible to determine the share of the budget dedicated to particular sectors. This can help give an indication of whether the government is really dedicating the maximum of its available resources to particular rights.

WHAT IS A BUDGET?

More than just a plan, the budget expresses the government's policy priorities and translates policy proposals into expenditure allocations. It is the most important tool for managing the macro-economy.

BUDGET GLOSSARY

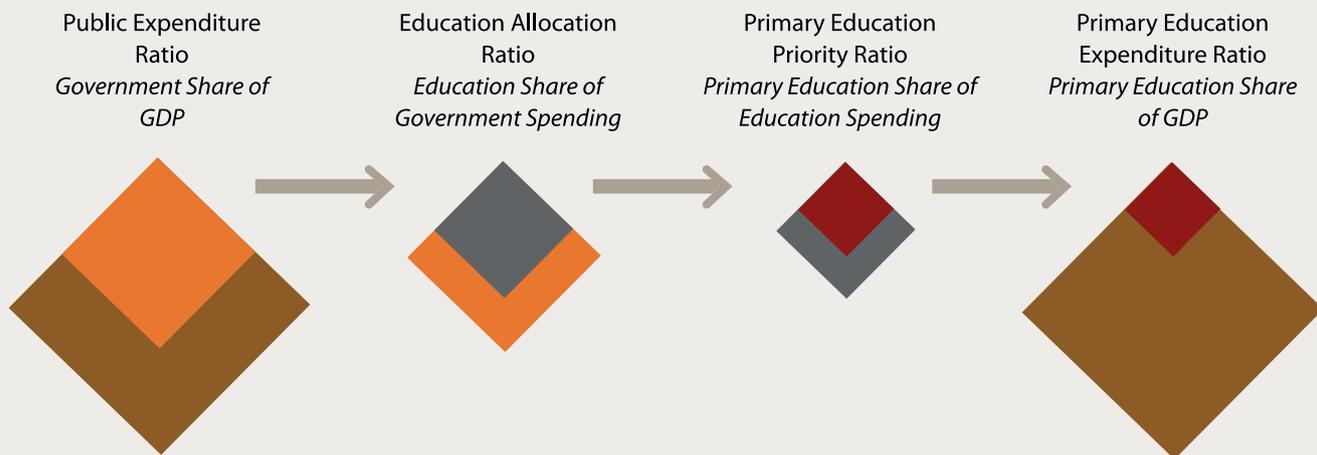
Expenditures 'by vote' shows which government entity will have responsibility for spending.

Expenditures 'by line' specifies how much is being allocated to different purposes.

'Recurrent' Expenditures are incurred year after year for running public administration.

'Development' Expenditures are one-off expenses for building assets (e.g. infrastructure) to improve the productive capacity of the economy.

Primary education Expenditure and Allocation Ratios
(to monitor minimum core obligation of right to education)



Source: Center for Economic and Social Rights, adapted from Human Development Report 1991, UNDP

Benchmarks help to judge the reasonableness of these shares. These might include:

EXAMPLE

in its audit of the mental health sector, KNCHR calculated that mental health had been allocated only 0.1% of the overall health budget.

- Comparisons to other countries with similar GDPs.
- Comparisons to national or international targets or commitments agreed to by the government (e.g. the Abuja Declaration).
- Guidelines from international agencies.
- Comparisons to spending on other sectors within the budget.

Determining priority groups

Ideally, budget figures should show per capita allocations, disaggregated by social groups – but they rarely do! However, it is possible to infer who is benefiting from budgetary allocations, by looking at the classification of budget lines.

- E.g., allocations in the urban sanitation sector currently prioritise waterborne sanitation (i.e. sewerage pipes), which is subsidised. Poor households in informal settlements do not benefit from this budget allocation, as they rely predominantly on on-site sanitation (e.g. pit latrines).
- Compare the figures below: Curative health versus preventative health? Rural health services versus national Nairobi-based hospitals? What does this tell us about who is benefiting from health sector funding in Kenya?

Functional Classification	2003	2004	2005	2006	2007	2008
Curative health	7.8	8.0	8.8	10.7	13.0	12.7
Preventative and promotive health	0.8	1.0	1.8	1.9	2.8	7.9
Rural health services	1.7	2.4	2.7	3.5	4.6	4.3
Kenyatta National Hospital	2.3	2.4	2.7	2.9	4.9	3.4
Health training and research	1.2	1.5	1.5	1.6	1.6	2.0
General administration and planning	1.4	1.0	1.4	1.4	2.2	1.4
Moi Teaching and Referral Hospital	0.4	0.5	0.5	0.7	0.8	0.9
Medical supplies and coordinating units	0.03	0.03	1.13	0.18	0.36	0.36
Total	15.8	16.8	19.5	23.0	30.2	32.8

Determining progress over time

Calculating whether there has been an increase or decrease in the amounts allocated to sectors relevant for ECOSOC rights tells us something about whether the government is taking action to 'progressively' fulfil these rights.

However, this is not as simple as just looking at budget figures from different years. Budget figures are reported in nominal terms: they do not take inflation into account. For this reason, it is necessary to convert allocations from 'nominal' to real 'amounts'. This makes budget figures from different years 'equivalent' to one of the year's current values, so as to enable valid comparisons over time.

Real value = nominal value adjusted for inflation

Formula for Adjusting for Inflation

$$\text{Real Value} = \frac{\text{Target year's nominal value} \times \text{base year's consumer price index (CPI)}}{\text{Target year's CPI}}$$

For example, 2010 money in 2000 values would be calculated as

$$\text{Real Value} = \frac{\text{2010 value} \times \text{2000 CPI}}{\text{2010 CPI}}$$

Question: Review the figures below. Is the government's real health expenditure increasing over time? What is the ratio of health expenditure to total expenditure in real terms? What conclusions you can draw?

(Kshs. Billions, 2005 prices)	2005	2006	2007	2008	2009	2010
Total expenditure	343.8	378.2	433.6	445.6	470.7	548.8
Health expenditure	19.5	21.6	27.3	25.5	25.7	..
Health Exp. as % of Total expenditure	5.6	5.7	6.2	5.7	5.4	..
Per capita health expenditure (2003 prices)	445.4	581.5	628.6	640.1	656.7	..

TIP

Kenya's consumer price index can be found on the KNBS or IMF websites.

A word of caution: Progressive realization of rights often requires increased resources, but this may not be the case under certain circumstances. Always cross check the reality by using available socio-economic indicators. When resources don't increase, this is a '**red flag**' – e.g. in situations where needs increase, but revenue and expenditures actually decrease.

Engaging in the budget process

Budget Outlook Paper (BOPA)	<ul style="list-style-type: none"> • Defines the parameters for the three year MFET period based on macro-economic and fiscal goals for the country and sets 'ceilings' within which sector budgets must be prepared. • Led by the Ministry of Finance, in conjunction with the Ministry of Planning. • Although this is a 'top-down' process, the BOPA should be publically available and discussed and approved by key stakeholders.
Ministerial Public Expenditure Reviews (MPERs)	<ul style="list-style-type: none"> • Each line ministry reviews the previous year's budget allocations against expenditures and sets targets for the following year's budget proposals.
Sector Working Group Process	<ul style="list-style-type: none"> • Line ministries, together with the ministries of finance and external stakeholders, review and refine the MPERs through a series of sector hearings. • The hearings, which take place roughly between September – October are open to beneficiary groups and other stakeholders. • The process ends with the submission of finalized Sector Working Group Reports to the Treasury, which include spending proposals for the sectors.
Budget Strategy Paper (BSP)	<ul style="list-style-type: none"> • Is submitted to Cabinet between February – March with the proposed allocations to ministries and counties and expected revenue. • Cabinet reviews, discusses and amends the paper and tables it in Parliament, which holds public hearings before approving it.

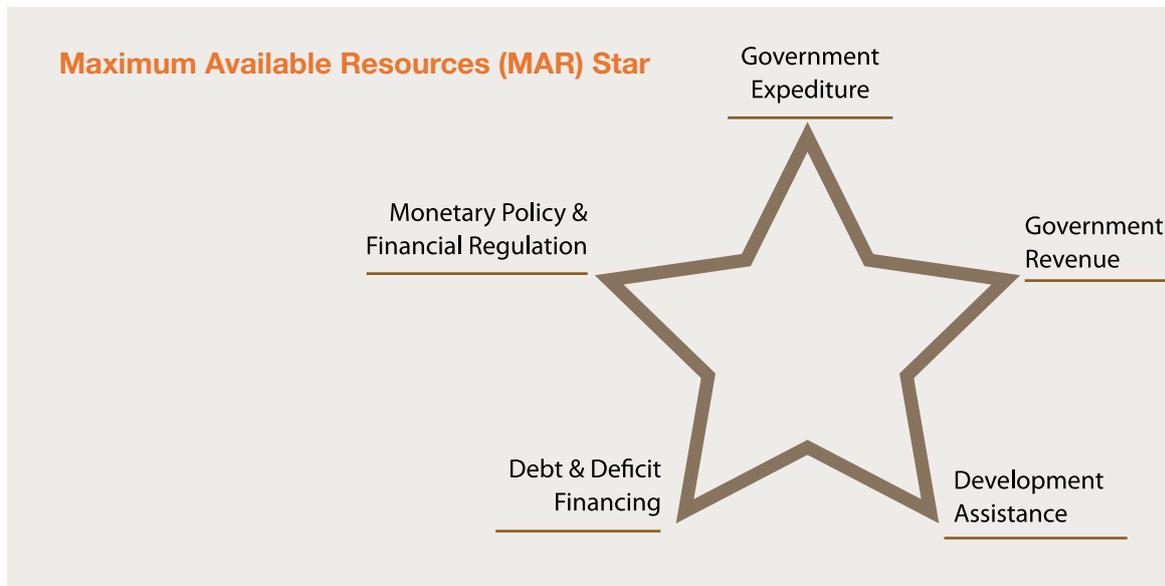
MODULE 8

Evaluating Resource Generation

The state's obligation to use the maximum of its available resources includes an obligation to effectively *mobilize* resources. For this reason, it is important to evaluate how the state is generating, as well as spending, resources. This module outlines basic issues to consider when evaluating resource generation. Specifically, it asks: What are the main sources of government revenue? How do these different sources impact on human rights?

8.1 How do governments generate resources?

To pay for everything it has budgeted to do, the government must raise revenue. It can do this in a number of ways. It may levy taxes, receive overseas development assistance or, where necessary, borrow money to meet a budget deficit. The amount of resources available from each of these sources is, in turn, influenced by monetary policy and financial regulation. Along with government expenditure, these are key areas of economic policy relevant for evaluating whether a state is maximizing resource availability to realize rights, as illustrated in the diagram below.



Source: Center for Women's Global Leadership

The following sections consider how each of these areas impact on human rights

TIP: for further information on the budget process in Kenya see the 'Medium Term Expenditure Framework (MTEF) Manual' published by the Treasury.

WHY BOTHER WITH TAX?

The link between taxation and development is fundamental. A functioning state that can meet the basic needs of its citizens must rely ultimately on its own revenues to meet development objectives. Using the tax system, the state can mobilize domestic resources, redistribute wealth and provide essential services and infrastructure. Effective tax structures can also create incentives to improve governance, strengthening channels of political representation and reducing corruption.

Governments across the world struggle to collect enough taxes to fund essential services in a fair way. Southern governments in particular face serious challenges as a result of weak and under-resourced revenue authorities, large informal sectors, pressure to offer overly generous tax breaks, and the exploitation of tax loopholes by unscrupulous companies and rich individuals. Too often tax systems are heavily skewed against the interests of the poorest.

Source: Tax Justice Advocacy: a toolkit for civil society, Christian Aid

8.2 How does tax policy affect human rights?

Governments can generate revenue from taxes, royalties, sale of assets, profits from public enterprises, or miscellaneous fees and levies. Tax policy (the level of taxes collected and their composition) has serious implications for equality, non-discrimination, as well as the access to, including the affordability of, rights.

Transparency and accountability

To illustrate the human rights implications of how much tax is collected, consider revenue lost through tax avoidance and evasion, bribery and corruption or weak tax collection processes. How could this revenue be used to advance ECOSOC rights?

To analyze the adequacy of tax mobilization, it is useful to refer to the tax-to-GDP ratio. As with other indicators, this can be judged against comparable countries and over time.

To illustrate the human rights implications of how tax revenue is composed, consider two main types of tax: direct taxes (on income) and indirect taxes (on goods and services).

Direct taxes

Direct taxes are the main tool for redistributing income. But this depends whether they are:

- **Regressive:** poorer people pay proportionally more of their income in tax than do wealthier people.
- **Progressive:** wealthier people pay proportionally more of their income in tax than do poorer people.
- **Proportional or flat:** poorer people and wealthier people pay the same proportion of their income in tax.

Key Question: What type of tax is personal income tax in Kenya?

Indirect taxes

Indirect taxes are levied on consumption, for example, as a percentage of the sale price of a good or service. Taxes on consumption, such as value added tax (VAT) are broad based and so expected to have higher tax yield.

Key Question: What percentage of overall tax revenue is made up of VAT in Kenya?

However, VAT not an equitable tax because poorer households and individuals end up paying a higher percentage of their income on the goods and services that carry this tax than wealthier households and individuals.

Other tax issues with human rights implications

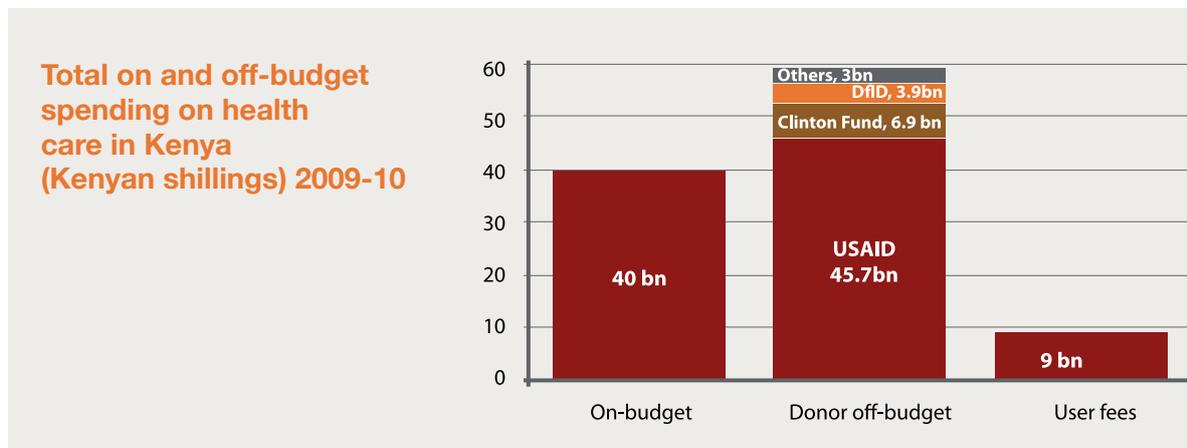
Taxation can also be used to ‘encourage public goods’, for example enhancing human rights or to ‘limit public bads’ for example reducing human rights violations, for example by imposing penalties for pollution. However, with the greater mobility of capital, there has been increasing competition to attract foreign investment by offering low tax rates or exemptions. The potential benefits and detriments of these tax breaks need to be carefully considered.

8.3 How does overseas development assistance affect human rights?

Kenya receives significant amounts of overseas development assistance (ODA), either:

- in the form of grants or loans (which must be repaid);
- bilaterally (government to government) or multilaterally (through institutions like the World Bank or the African Development Bank); and
- for specific projects or to support the budget generally.

If used effectively, ODA can contribute greatly to the realization of ECOSOC rights. However, there are certain issues that can hinder its effectiveness. In some cases, ODA has policy conditions attached to it, such as trade liberalization, an increasing role for the private sector in service provisions, or ceilings on public sector pay. In other cases, aid is tied to the purchase of imports from the donor countries that cost more than goods and services available locally.



Another issue is that currently, ODA to Kenya is often ‘off budget’, meaning that it goes directly to government departments or service providers (public and private), bypassing the Treasury. Data collected during KNCHR’s National Inquiry on Sexual and Reproductive Health (shown in the chart to the left) for example, indicated that 56% of health sector funding in 2009/10 was from off-budget contributions from development partners.

These additional resources are of course a valuable asset to the government. But because they are not factored into the budget planning cycle, these resources can become fragmented and it can make it more difficult to prioritize and manage the resources sustainably in order to implement policies.

8.4 How does debt financing and public debt affect human rights?

Deficits occur when government spending exceeds government revenue and the government needs to borrow funds to make up the differences.

Funding sources include:

- External (other governments, commercial banks, international financial institutions—e.g. IMF, World Bank)
- Public debt – accumulation of deficits

‘Borrowing per se is not a bad policy decision. It is the use to which the loan is put that is the issue. Where government invests borrowed funds into productive activity, it realizes returns that may enable it to pay back the debt in good time... the problem arises when the contracted loan is used to finance a national project that is neither economically viable, nor socially beneficial.’

The size of Kenya’s public debt

Public debt stock as at July 2011 was 1.5 trillion ksh, which is 55% of GDP. Annual debt service payments (principal and interest) were:

- 2003/4 – 115 billion ksh
- 2004/5 – 113 billion ksh
- 2005/6 – 106 billion ksh

These annual repayments on debt interest are the first charge on tax revenues.

Debt implications for human rights

As noted above, borrowing can be a sensible policy choice when it enables a government to make investments that will advance ECOSOC rights. However, the size of a government’s debt needs to be sustainable:

- Debt repayment squeezes other areas of spending. Because debt repayments are the first thing that resources need to be allocated to, there is less money available for social spending.
- External debt is prone to foreign exchange risk. The size of the debt may fluctuate with changes in exchange rates.
- Debt may worsen inequality:
 - Interest payments go to those who own bonds
 - Usually ownership is highly concentrated
 - Transfer of income to wealthier sectors
- Crowding out of private sector

- Transfers burden to future generations/intergenerational equity/onerous or odious debt. When borrowed money has not been invested well, future generations end up paying for something that has not benefited them or that has not served the interests of the nation.

8.5 How do other macroeconomic policy issues affect human rights?

Monetary policy—governed by the Central Bank of Kenya—influences interest rates and exchange rates. These policies affect the resources available for the realisation of ECOSOC rights, for example:

- High interest rates (the amount charged for borrowing money) can make credit more expensive. This can slow economic activity, increasing unemployment and affect access to and the affordability of housing.
- Weak exchange rates (the value of the Kenyan shilling) can increase the prices of fuel, food and other imports (inflation).

Traditionally, monetary policy has focused on the trade-offs needed to balance levels of inflation and unemployment. However, when evaluating such policy choices from a human rights perspective, questions about who is most impacted need to be considered. The costs of losing a job are not distributed equally.

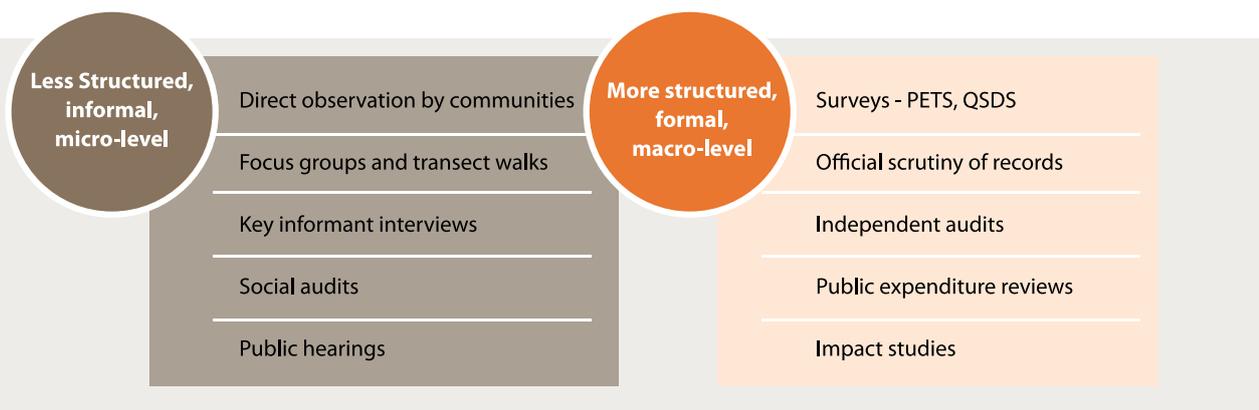
Policies that regulate the financial sector can also help to mobilize and channel resources to the realization of ECOSOC rights. Regulation influences investor choices and the way they direct their money. Regulation can, for example, create incentives to support lending to small and medium enterprises or lending to improve access to housing, or protect against the risks of financial speculation.

MODULE 9

Evaluating Spending

It is important to compare budgetary allocations to actual expenditures, because a budget may have been adequate, but not spent entirely (e.g. due to waste, inefficiency, corruption). Alternatively, if the amount spent is more than allocated, funds may have been used for purposes for which they were not approved. KNCHR's 'Living Large' report on the purchase of luxury cars by government departments is an example of a monitoring activity uncovering excessive spending. In this case, the amount spent on cars exceeded the guidelines (themselves generous) from the Head of the Civil Service regarding the purchase of cars.

There is a spectrum of tools and methods that can be used to track expenditure. Some key options are outlined in this module.

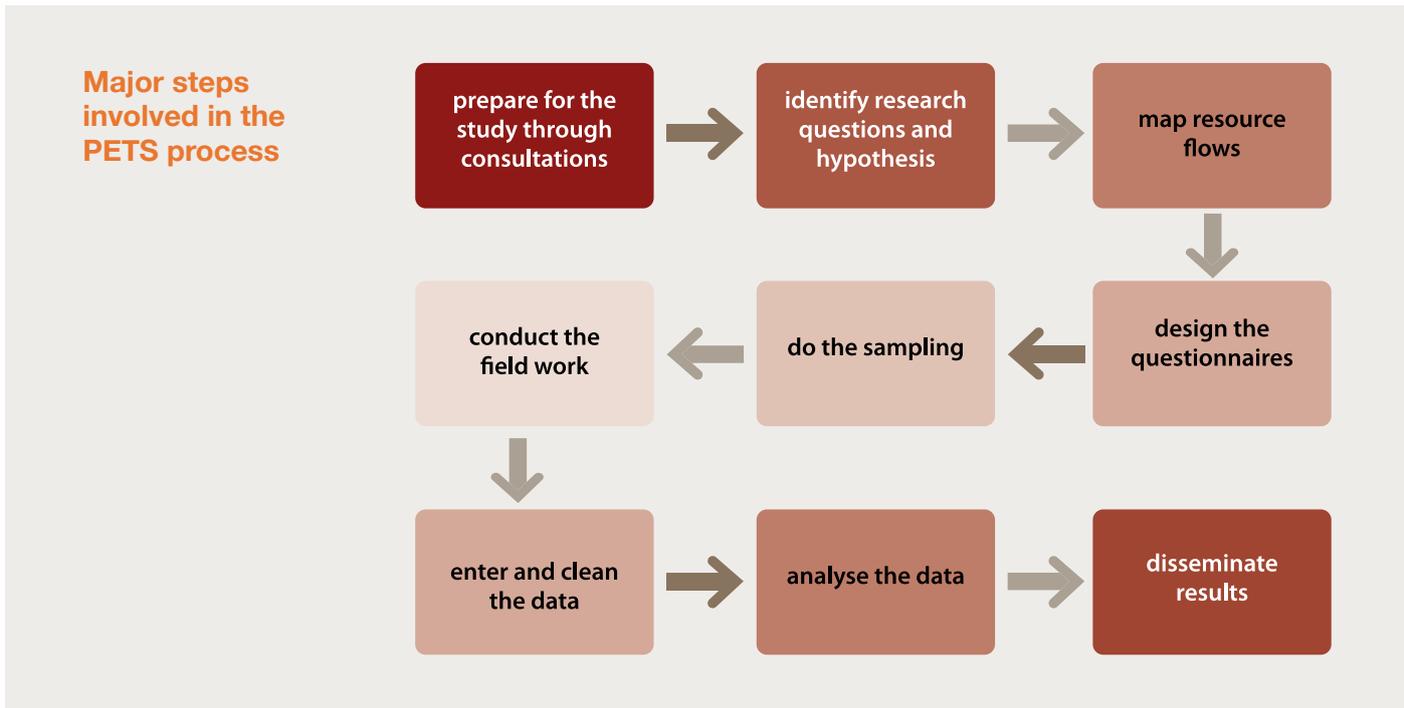


9.1 Public Expenditure Tracking Surveys (PETS)

The link between public spending and outcomes is often weak:

- Public resources do not reach frontline service providers (e.g. schools, health clinics).
- Public spending benefits the rich more than the poor.
- The low quality of services (absenteeism of staff, facilities in bad conditions, lack of supplies etc.) affects the poorest most.

Public expenditure tracking surveys (PETS) can provide useful information on these various dimensions. PETS tracks flows of funds and materials from the central government to local service providers, via regional and local governments, in order to determine how much of the originally allocated resources reach each level, in particular frontline service providers.



PETS are commonly used to encourage community participation; inclusion; accountability, transparency and access to information; shared responsibility; access to equitable basic services...**which are all fundamental human rights and elements of a human rights-based approach.**

9.2 Community Score Cards (CSC)

Community Score Cards are ‘a community based monitoring tool with a strong focus on empowerment and accountability as it includes and interface meeting between service providers and the community that allows for immediate feedback on quality and adequacy of services provided in the community’.

Example: scoring budgetary information

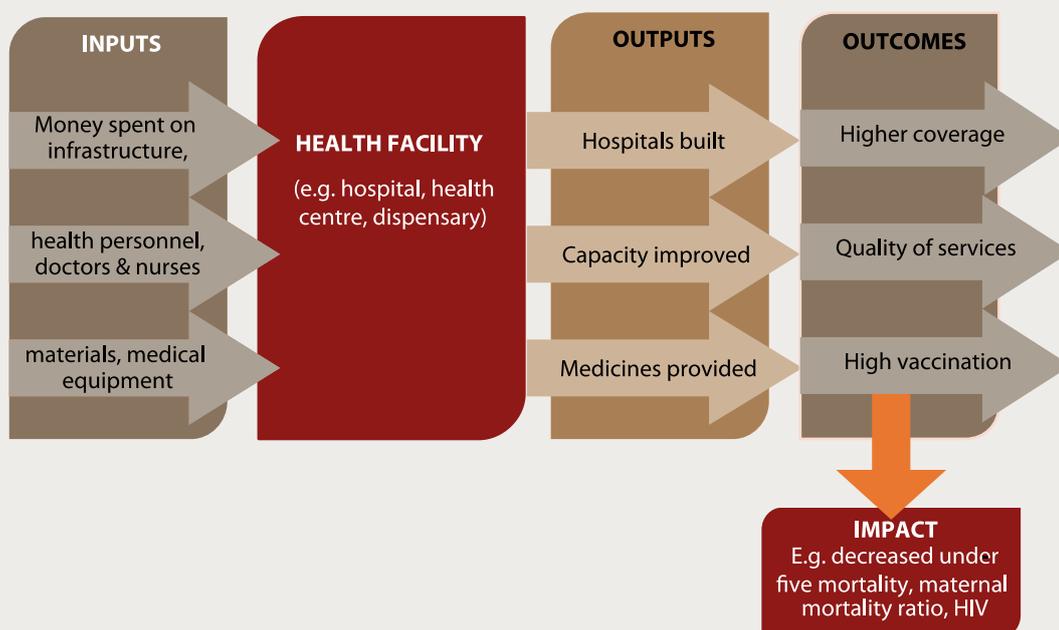
Transparency Grade	Grading Key
Availability of budget information	A – out of this world
Timeliness of budget information	B – damn good
Accuracy of budget information	C – not too impressive
User-friendliness of budget information	D – quite bad, actually
Comprehensiveness of budget information	E – very disappointing
	F – terrible
	G – worse than you can imagine

Source: Social Development Notes, SD Note 100, March 2005

9.3 Quantitative Service Delivery Survey (QSDS)

QSDS is a survey tool that focuses on the facility (e.g. school, health centre etc.) as the unit of analysis. It collects data about a service facility on:

- Physical infrastructure, staff and their characteristics.
- Income and expenditures (budget inputs and outputs).
- Governance and management (supervision and oversight, operations and client feedback).
- Service outputs: accessibility and availability of services, quality, efficiency.
- Other issues of concern.



Source:OHCHR HRBA Training

9.4 Technology and social accountability

By focusing on ‘empirical impact evaluation’, social accountability activities enable more informed, direct and constructive engagement between rights-holders and relevant duty-bearers. Around the world, these activities have contributed to reducing leakages in service sector budgets (e.g. public expenditure tracking surveys in Uganda); to exposing corruption and increasing effectiveness in programme implementation (e.g. social audits in India); to improved public services and redirection of resources to poor communities (e.g. participatory budgeting in Brazil); and to greater user satisfaction (e.g. community scorecards in India, Ghana and Malawi).

With the rapid proliferation of information and communication technologies in Kenya, new techniques have been added to the toolkit for social accountability. There are countless examples of civil society groups using a broad spectrum of both simple and complex technology to undertake innovative social accountability projects, for example:

- The National Taxpayers Association uses digital cameras to take pictures of projects funded by the Constituency Development Fund (CDF), in order to assess their completion status.

- Uwezo.net has developed a simple test to assess children's literacy and numeracy (to measure the quality of education in Kenya). The results are disaggregated and mapped by county to highlight inequalities in schooling standards.
- Map Kibera Trust undertakes community mapping through crowdsourcing or global positioning systems (GPS) to geographically display and analyze information about the delivery of services such as healthcare and water and sanitation in informal settlements.
- The web-based forum Huruma.info solicits reports from individuals (by mobile phone or online) about government services in five areas: health, education, water, governance and infrastructure, including issues such as lack of medicines, potholes, absenteeism of teachers, broken water points etc.

Looking ahead, partnerships with organizations that have such technical expertise could open a door for KNCHR to undertake more technologically-based monitoring activities.

Final Words

This primer offers an introductory overview of the issues associated with rights-based policy monitoring. In particular, it argues that focusing on monitoring the government's performance in fulfilling ECOSOC rights is a key aspect of the rights-based approach to development. It proposes a broad four-step framework for carrying out this type of monitoring and presents various tools and techniques for monitoring that might be used under various steps of the framework.

The primer highlights numerous questions that arise when evaluating whether the government is meeting its obligation to fulfil ECOSOC rights. As stated in the beginning, it does not cover everything and no doubt many questions remain unanswered. The following pages contain an extensive list of further reading that offer more in-depth discussion of the issues raised in each of the modules.

Further Reading

Part One, Module One: The Human Rights Based Approach

OHCHR (2008), *Claiming the MDGs: a human rights approach*. <http://www.unhcr.org/refworld/docid/49fac1162.html>

The Danish Institute for Human Rights (2007), *Applying a Rights-based Approach: an inspirational guide for civil society*. humanrights.dk/files/pdf/Publikationer/applying%20a%20rights%20based%20approach.pdf

OHCHR (2006), *Frequently Asked Questions on a Human Rights-based Approach to Development Cooperation*. www.ohchr.org/Documents/Publications/FAQen.pdf

OHCHR (2004), *Poverty and Human Rights: a conceptual framework*. www2.ohchr.org/english/issues/poverty/docs/povertyE.pdf

United Nations (2003), *The Stanford Common Understanding on A Human Rights Based Approach*. www.undg.org/archive_docs/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf

Human Rights Based Approach Toolkit for Development Planning. www.hrbatoolkit.org

Part One, Module Two: Economic and Social Rights Concepts

Amnesty International (2005), *Human rights for human dignity: A primer on economic, social and cultural rights* <http://www.amnesty.org/en/library/info/POL34/009/2005>

OHCHR (2005), *Economic, Social and Cultural Rights: a handbook for national institutions*. <http://www.ohchr.org/Documents/Publications/training12en.pdf>

International Human Rights Internship Program (2000), *Circle of Rights: economic, social and cultural rights activism—a training resource* <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm>

American Association for the Advancement of Science (2000), *Promoting and Defending Economic, Social and Cultural Rights: A Handbook* <http://shr.aaas.org/escr/handbook/toc.htm>

Langford, M (2009), 'Domestic Adjudication and Economic, Social and Cultural Rights: a socio-legal review', *SUR – International Journal on Human Rights*, vol.6, no.11

Gauri, V and Brinks, D (2008), *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World*.

International Commission of Jurists (2008), *Courts and the Legal Enforcement of Economic, Social and Cultural Rights: comparative experiences of justiciability*

Part One, Module Three: Capturing key concepts in policy analysis

Center for Economic and Social Rights (2012), *The OPERA Framework: Assessing compliance with the obligation to fulfil economic, social and cultural rights* <http://www.cesr.org/section.php?id=179>

Center for Economic and Social Rights (2012), *Assessing fiscal policies from a human rights perspective: Methodological case study on the use of available resources to realize economic, social and cultural rights in Guatemala*. <http://www.cesr.org/section.php?id=179>

Part Two, Module Four: Indicators and Benchmarks

OHCHR (2012), *Human Rights Indicators: a guide to measurement and implementation* http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council (4-29 July 2011).

Report on Indicators for Promoting and Monitoring the Implementation of Human Rights, to the 20th Meeting of the treaty body chairpersons (6 June, 2008)

Report on Indicators for Monitoring Compliance with International Human Rights Instruments, to the 18th Meeting of the treaty body chairpersons (22 June, 2006)

Reports available at: <http://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>.

Idasa (December 2010), 'The Development and Use of Governance Indicators in Africa: A Comparative Study' http://www.beta.undp.org/content/dam/undp/library/Democratic%20Governance/indicators_in_africa_idasa_2011.pdf

Part Two, Module Five: Collecting Information

Fasel & Malhotra (2005), 'Quantitative Indicators: a survey of major initiatives', paper presented at the Turku expert meeting on 10-13 March 2005. http://hrbaportal.org/wp-content/files/1237942217malhotra_and_fasel.pdf

International Human Rights Internship Program (2000), *Circle of Rights: economic, social and cultural rights activism—a training resource*, Chapter 19 <http://www1.umn.edu/humanrts/edumat/IHRIP/circle/toc.htm>

Amnesty (2011), *Haki Zetu: economic, social and cultural rights in practice*, Main Book: Vol.2 http://www.hrea.org/index.php?base_id=104&language_id=1&erc_doc_id=5724&category_id=21&category_type=3

Part Three, Module Seven: resource allocation

ESCR-Net Website, 'Budget Analysis and ESCR': http://www.escr-net.org/workinggroups/workinggroups_show.htm?doc_id=430934

IBP Website, 'International Partnership': <http://internationalbudget.org/what-we-do/major-ibp-initiatives/partnership-initiative/>

IHRIP Initiative Website, 'Resources for human rights budget work'. <http://www.humanrightsbudgetwork.org/index.php/resources.html>

Equal in Rights (2011), *A Guide to Costing Human Rights*. <http://www.equalinrights.org/library/resource/resource/a-guide-to-costing-human-rights/>

Treasury of Kenya (2011), *Medium Term Expenditure Framework (MTEF) Manual: Kenya Budget Process*. <http://budget.treasury.go.ke/Docs/MTEF%20manual.pdf>

Part Three, Module Eight: resource generation

Christian Aid (2011), *Tax Justice Advocacy: a toolkit for civil society*. <http://www.christianaid.org.uk/images/completetaxadvocacytoolkit.pdf>

Center for Women's Global Leadership (2011), *Maximum Available Resources and Human Rights: Analytical Report*. <http://www.cwgl.rutgers.edu/globalcenter/publications/marreport.pdf>

Balakrishnan, R., Elson, D. and Patel, R. (2010), 'Rethinking Macro Economic Strategies from a Human Rights Perspective', *Development*, vol. 53, no. 1, 27-36. <http://www.networkideas.org/featart/mar2009/MES2.pdf>

Part Three, Module Nine: tracking expenditure

UNESCO (2007), *Social Audits for Strengthening Accountability: building blocks for human rights-based programming*. http://hrbportal.org/wp-content/files/buildig_blocks_HRBA.pdf

McNeil, M & Mumvuma, T (2006), 'Demanding Good Governance: a stocktaking of social accountability initiatives by civil society in Anglophone Africa', *Community Empowerment and Social Inclusion Learning Program*

Goetz, M & Jenkins, R (2005), *Reinventing Accountability: Making Democracy Work for Human Development*



CENTER FOR ECONOMIC AND SOCIAL RIGHTS

TWENTY YEARS FIGHTING FOR SOCIAL JUSTICE THROUGH HUMAN RIGHTS

