

Human Rights Budget Work

Alison Hosie

Scottish Human Rights Commission

Alison.hosie@scottishhumanrights.com

*“Budgets are a key sign of a government's values.
So, if human rights are not in there, what they’re really
saying, is that they are not a value worth counting”.*

Professor Aoife Nolan, 2014, SNAP Innovation Forum

Why is human rights budget work important for Scotland?

- Growing interest in Economic, Social & Cultural Rights and incorporation since 2008
- The Budget Process Review Group 2017
- Scottish parliament's Finance and Constitution Committee Budget Guidance 2018
- Scottish Parliament's Equality and Human Rights Committee Inquiry into Human Rights 2017-18
- Scotland's National Performance Framework 2018
- First Ministers Advisory Group on Human Rights Leadership 2018
- Scottish Government Open Government Action Plan 2018-20

Origins of the Human Rights Budget Project

- SNAP 2014 Poverty Innovation Forum
- 2014 Scottish Government Commitment to “explore human rights budgeting”
- SNAP follow-up workshop with Ann Blyberg on human rights budget work in 2015
- January-June 2018: EU funded project to *Improve understanding and use of human rights budget analysis to further Economic, Social and Cultural Rights in Scotland*
- Scottish Parliament Equality & Human Rights Committee – requested Increased remit of the Equality Budget Advisory Group to include human rights budgeting

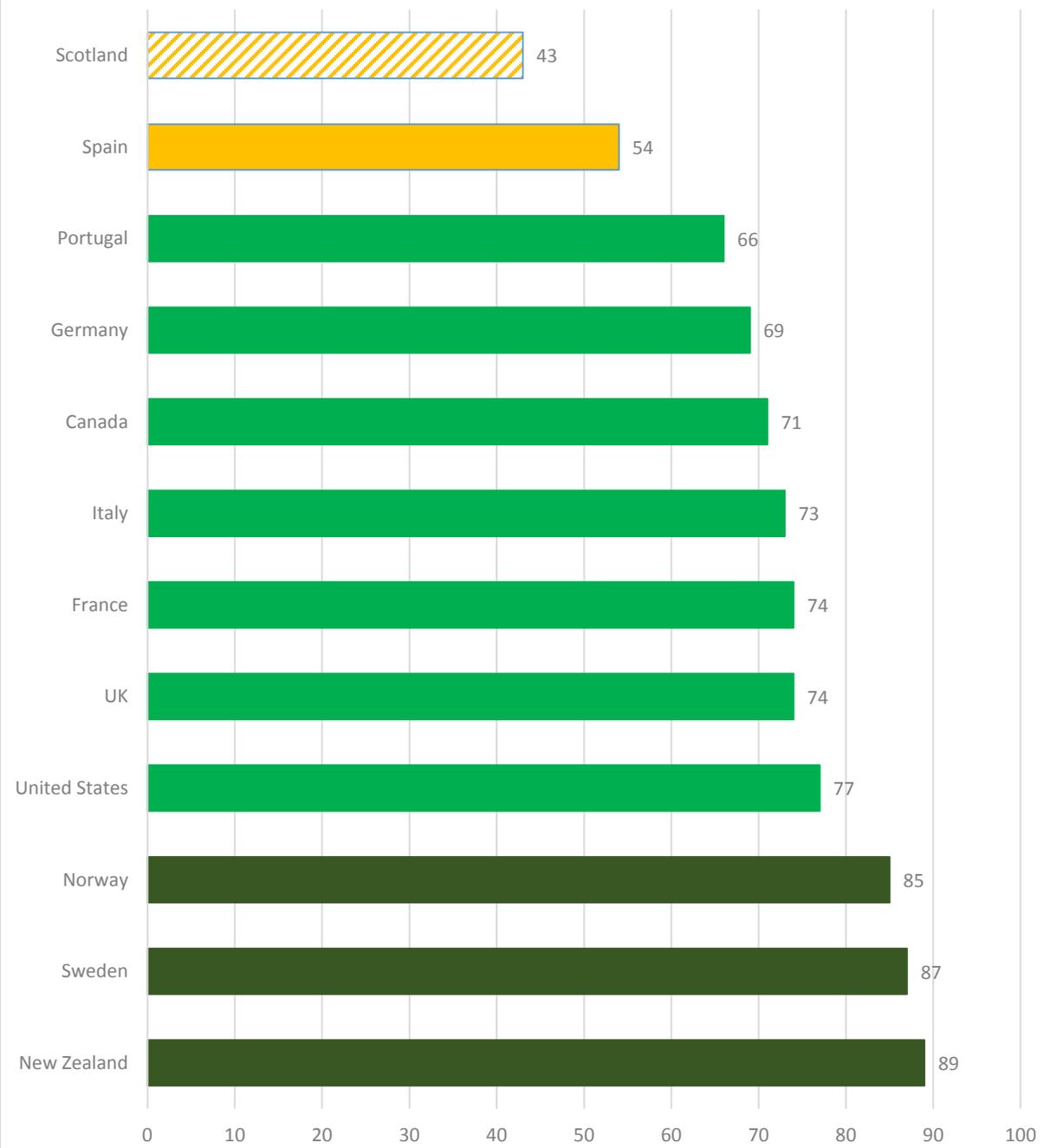
Current SHRC Human Rights Budget Work Project Goals

- Short-Medium term goals:
 - increase internal & external capacity to undertake budget scrutiny and hold the government to account in relation to budget impact on human rights
 - build an understanding of Minimum Core and Progressive Realisation obligations relevant for Scotland
- Longer term goals:
 - Scottish Government undertake effective human rights budgeting
 - Build an understanding of human rights budget work at the local level (health board/Local council)

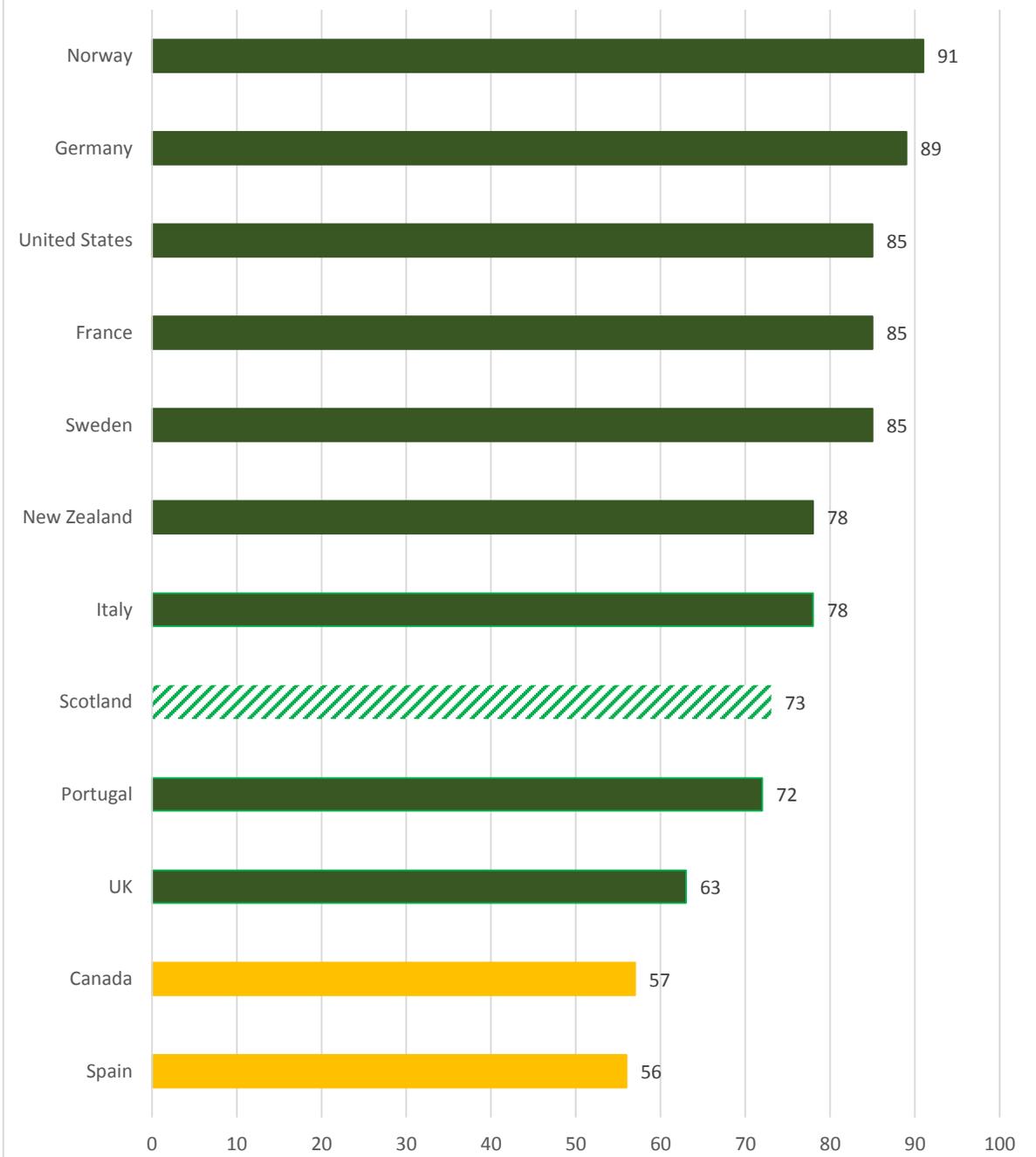
Process indicators

- Open Budget Survey: biennial global indicator of fiscal **transparency** (timely availability and accessibility of information); effectiveness of **accountability** mechanisms (legislature, auditor, fiscal institution), and opportunities for **public engagement**.

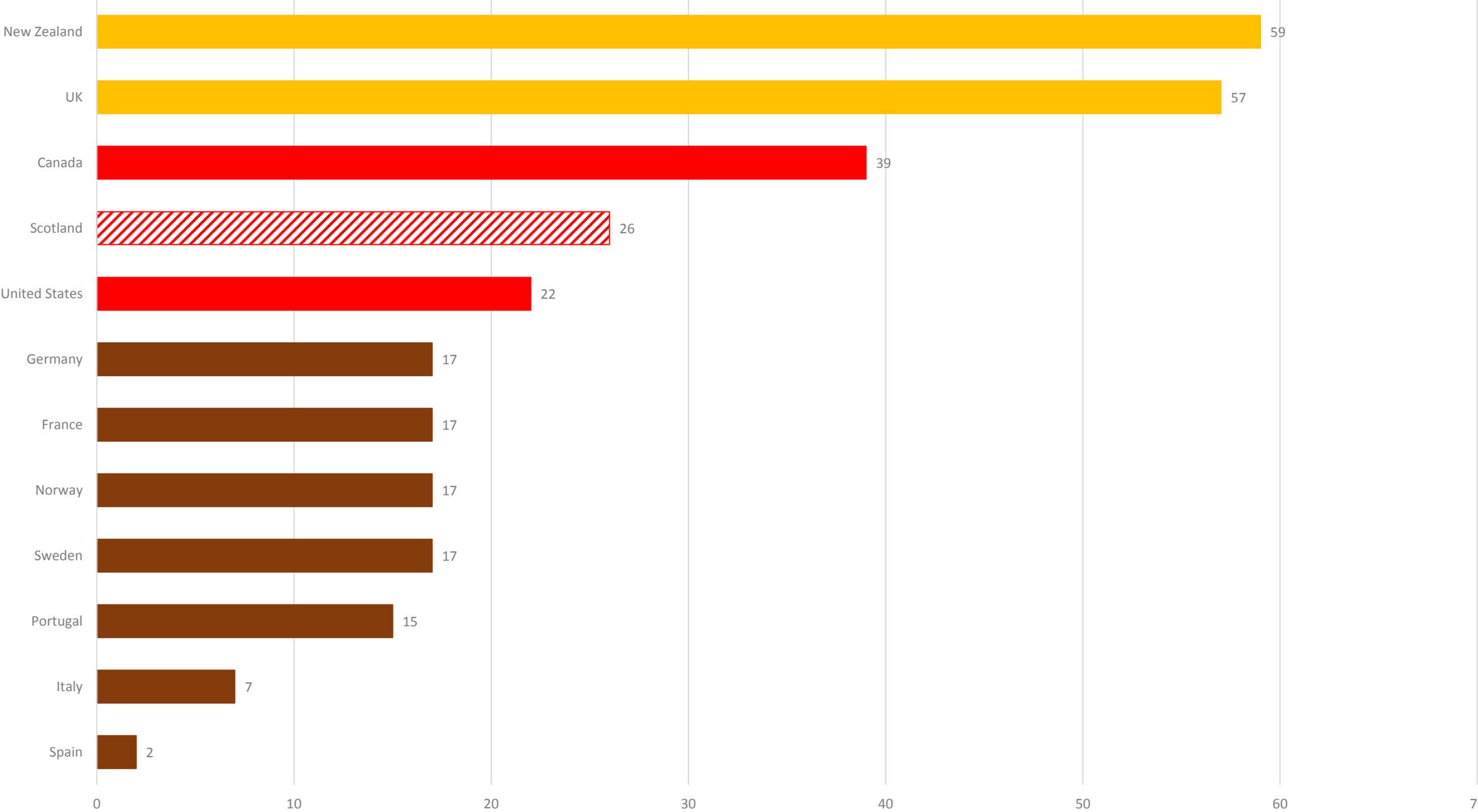
Transparency (Open Budget Index)



Budget Oversight



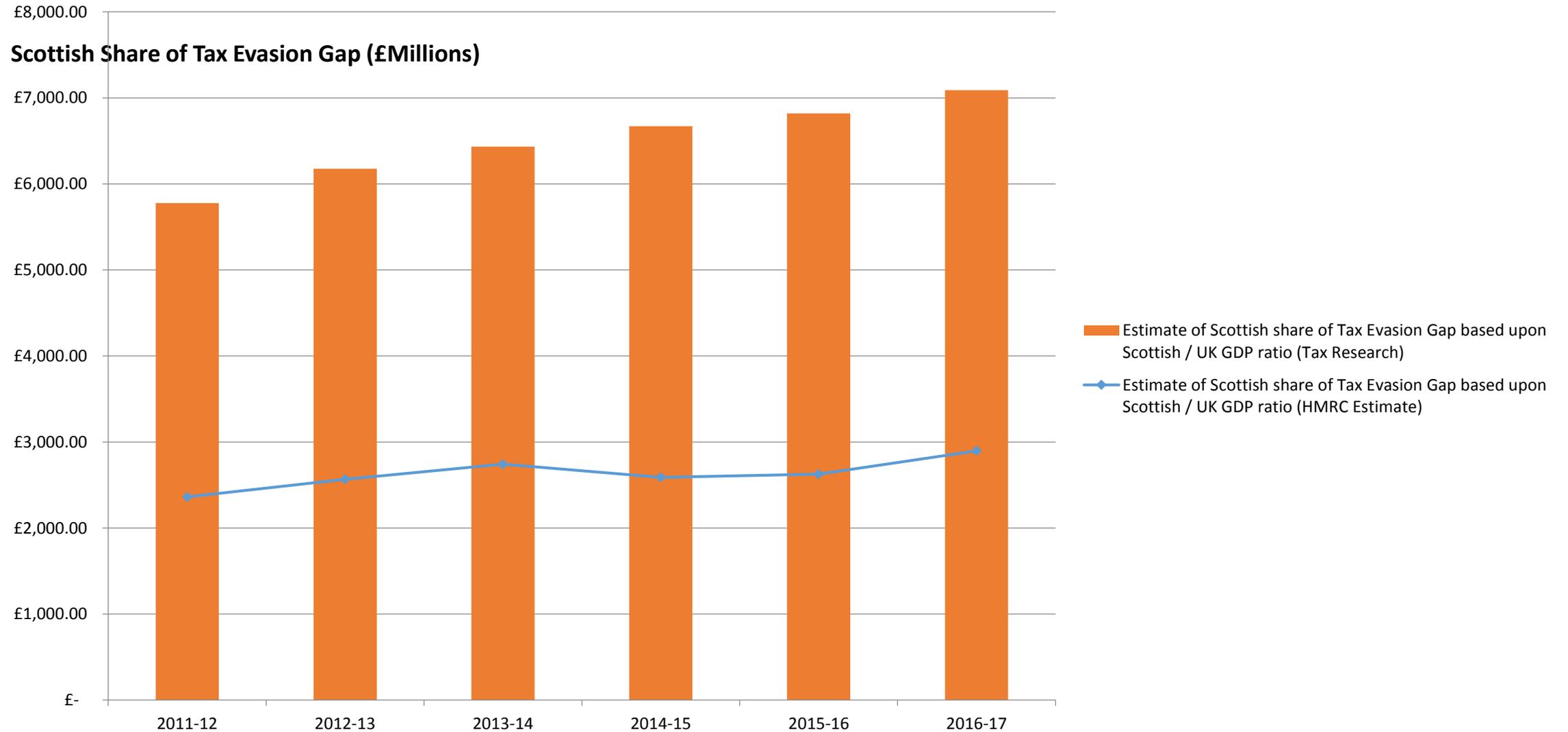
Public Engagement Score Index



Process indicators

- Open Budget Survey: biennial global indicator of fiscal **transparency** (timely availability and accessibility of information); effectiveness of **accountability** mechanisms (legislature, auditor, fiscal institution), and opportunities for **public engagement**.
- **Quality of participation** in the budget process
- **Availability, accessibility and transparency** of budget information at the Local Level

Resource Generation



Resource Allocation

Scottish Government Budget ?

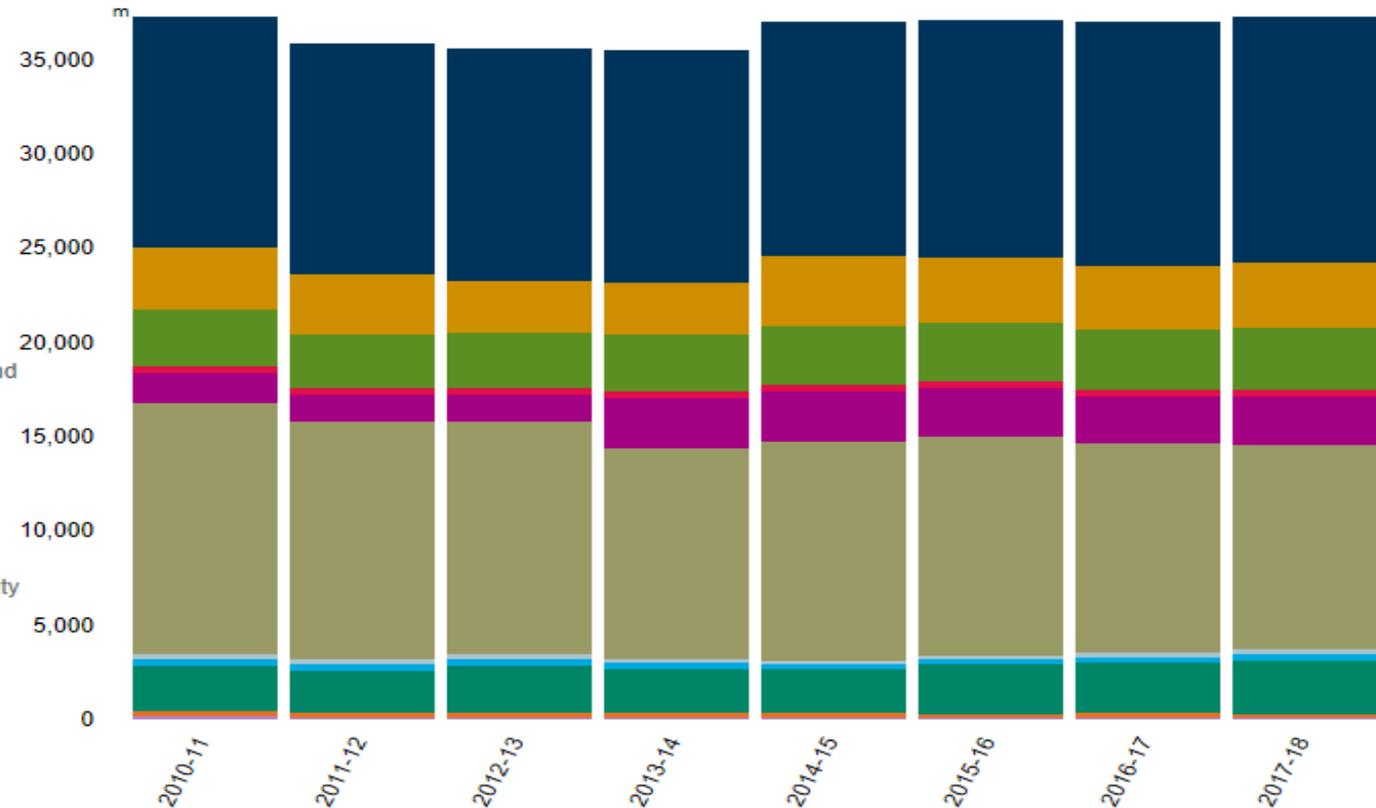
○ Cash terms ● Real terms* ○ Share of the budget/portfolio

*Real terms based on 2016-17 prices.

○ Grouped ● Stacked

Portfolios

- Select all
- Health and Sport
- Finance and the Constitution
- Education & Skills
- Economy, Jobs and Fair Work
- Justice
- Communities, Social Security and Equalities
- Environment, Climate Change and Land Reform
- Culture, Tourism and External Affairs
- Rural Economy and Connectivity
- Administration
- Crown Office and Procurator Fiscal Service

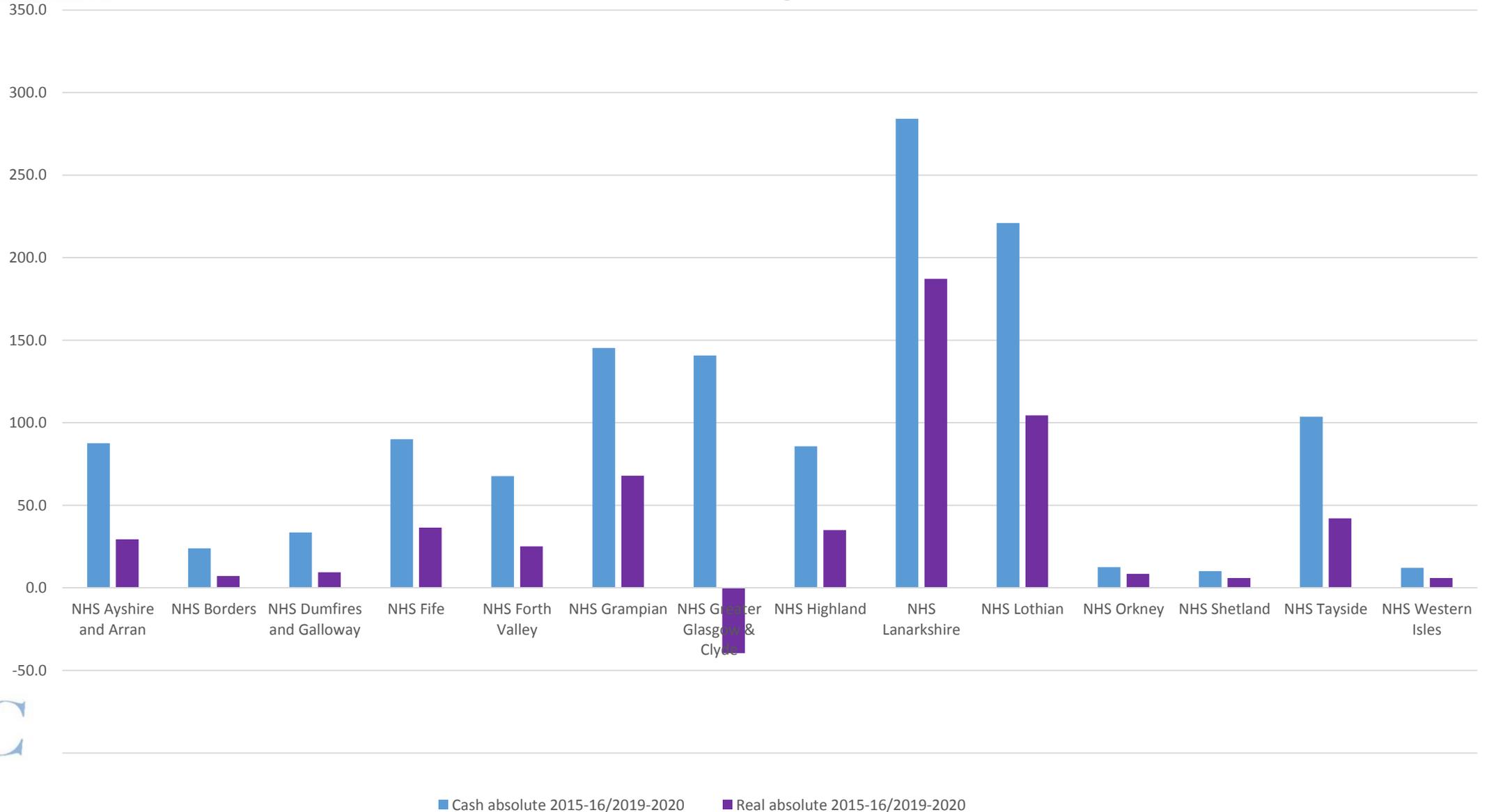




<u>Budget Line</u>	<u>Cash absolute (Millions) 2015-16/2019-2020</u>	<u>Real absolute (Millions) 2015-16/2019-2020</u>	<u>Cash % 2015-16/2019-2020</u>	<u>Real % 2015-16/2019-2020</u>	<u>Total (2015/16) (Millions)</u>	<u>Total (2019/20) (Millions)</u>	<u>Total (2019/20) (Millions) Real based on 2015/16</u>
<u>Health</u>	2,162.0	1004.6	15.1	7.6	12,161.10	14,323.10	13,165.68
<u>NHS Territorial Boards</u>	1,528.5	713.1	15.1	7.7	8,561.6	10,090.10	9,274.74
<u>NHS Ayrshire and Arran</u>	87.6	29.4	12.2	4.4	632.4	720	661.82
<u>NHS Borders</u>	23.9	7.1	11.5	3.7	183.8	207.7	190.92
<u>NHS Dumfries and Galloway</u>	33.6	9.4	11.2	3.4	265.5	299.1	274.93
<u>NHS Fife</u>	90.0	36.5	13.6	6.0	571.4	661.4	607.95
<u>NHS Forth Valley</u>	67.7	25.1	12.8	5.2	459.3	527	484.41
<u>NHS Grampian</u>	145.3	67.9	15.2	7.7	812.6	957.9	880.49
<u>NHS Greater Glasgow & Clyde</u>	140.8	-39.5	6.3	-1.9	2,090.4	2,231.20	2,050.90
<u>NHS Highland</u>	85.7	35.0	13.7	6.1	541.8	627.5	576.79
<u>NHS Lanarkshire</u>	284.1	187.2	23.7	17.0	915.2	1,199.30	1,102.39
<u>NHS Lothian</u>	220.9	104.5	15.3	7.9	1,220.6	1,441.50	1,325.02
<u>NHS Orkney</u>	12.5	8.5	25.1	18.6	37.1	49.6	45.59
<u>NHS Shetland</u>	10.1	6.0	20.0	12.9	40.5	50.6	46.51
<u>NHS Tayside</u>	103.7	42.1	13.6	6.0	659.2	762.9	701.25
<u>NHS Western Isles</u>	12.1	6.0	16.0	8.6	63.6	75.7	69.58
<u>Improving Outcomes and Reform</u>						209.2	192.29
<u>Other Income</u>	1.4	-4.2	2.0	-6.6	68.1	69.5	63.88
<u>National Boards (previously NHS Special Boards)</u>	161.5	62.5	13.2	5.5	1,064.1	1,225.60	1,126.56
<u>NHS Waiting times Centre</u>	8.0	3.6	14.8	7.3	46.0	54	49.64
<u>NHS Scottish Ambulance Service</u>	47.8	26.8	18.4	11.2	212.1	259.9	238.90
<u>NHS National Services</u>	55.2	27.8	16.3	8.9	283.3	338.5	311.15
<u>Healthcare improvement Scotland</u>	9.7	7.7	39.0	33.6	15.2	24.9	22.89
<u>NHS State Hospital</u>	1.1	-1.8	3.1	-5.4	34.2	35.3	32.45
<u>NHS 24</u>	5.9	0.4	8.6	0.6	62.7	68.6	63.06
<u>NHS Education for Scotland</u>	33.4	-1.0	7.8	-0.3	392.5	425.9	391.48
<u>NHS Health Scotland</u>	0.3	-1.2	1.6	-7.0	18.0	18.3	16.82

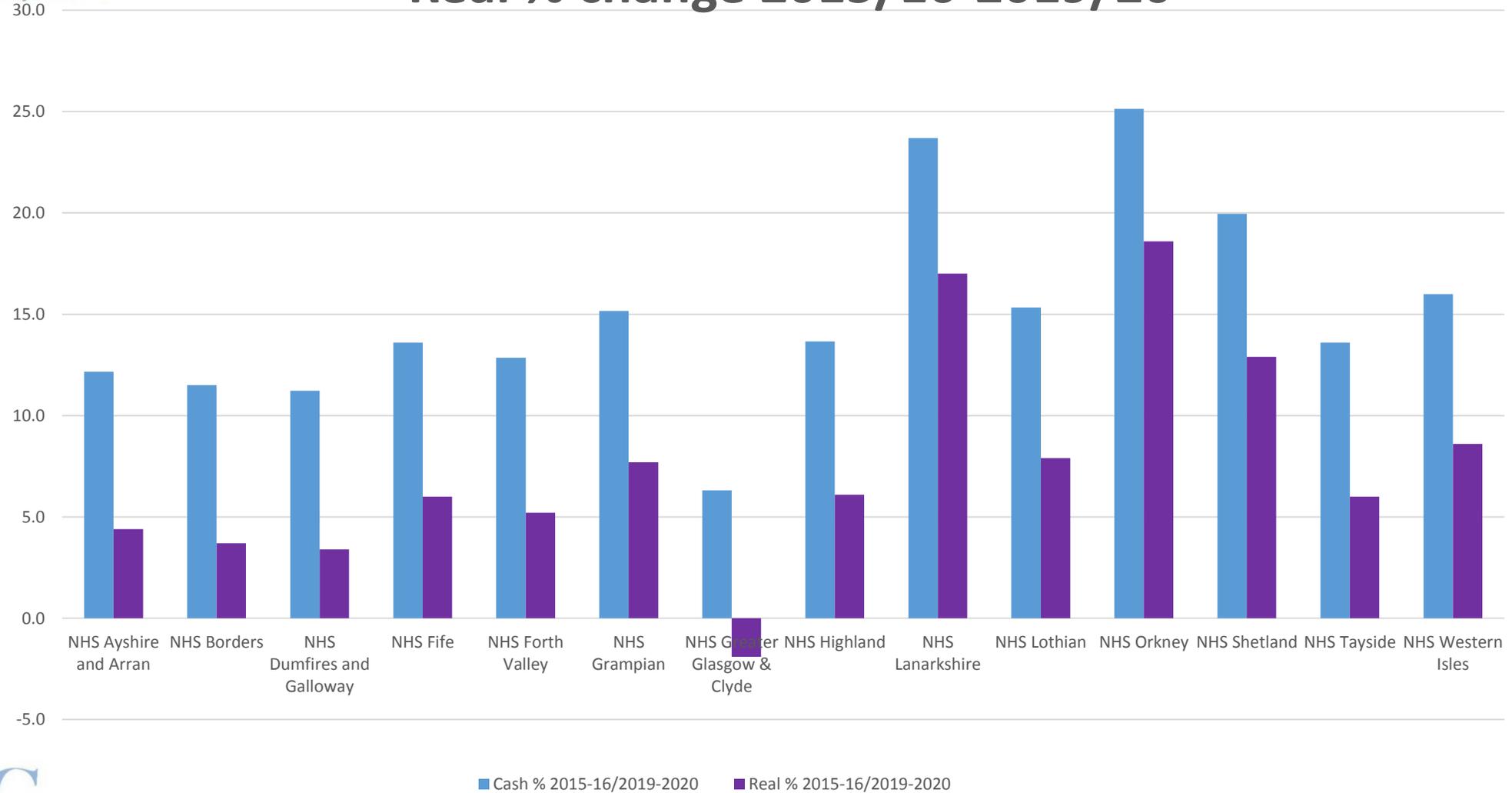


Variations in Health Board Budget Allocations: Cash vs Real Absolute (millions) change 2015/16-2019/20

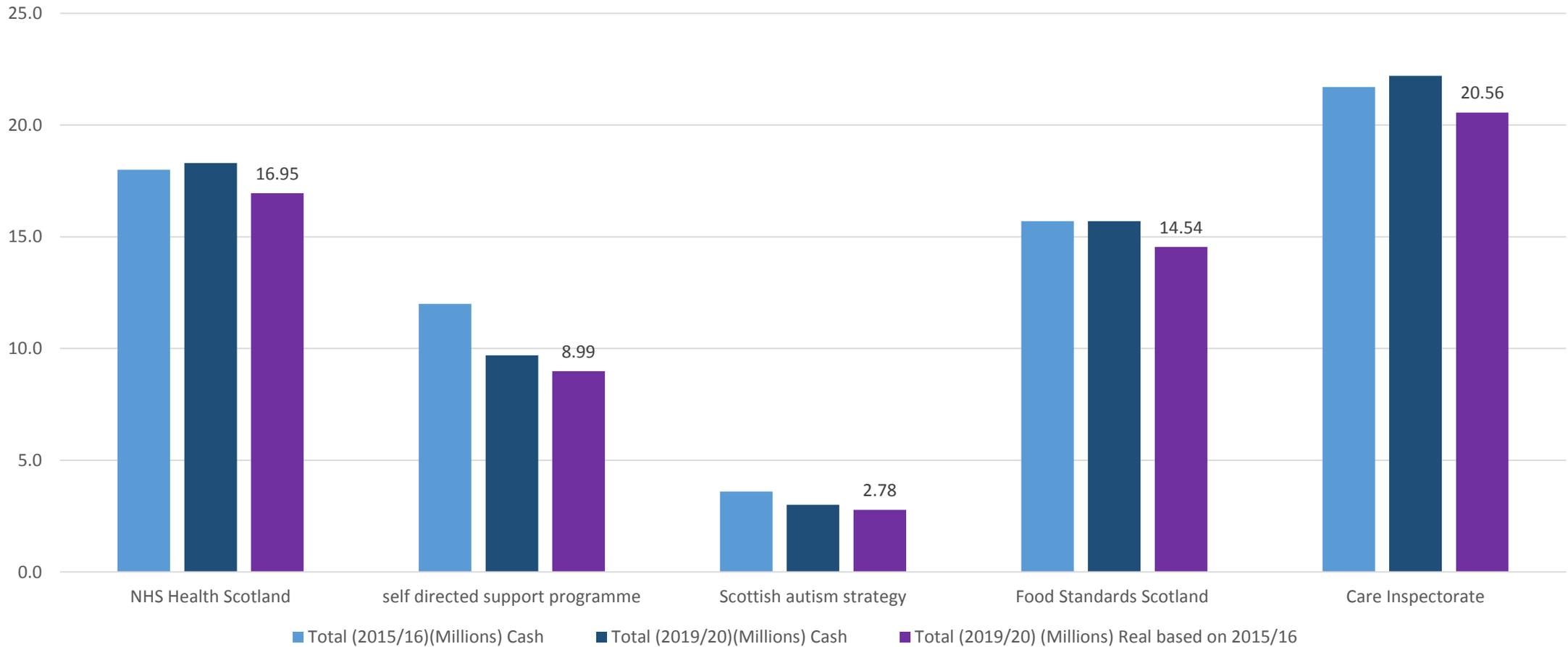




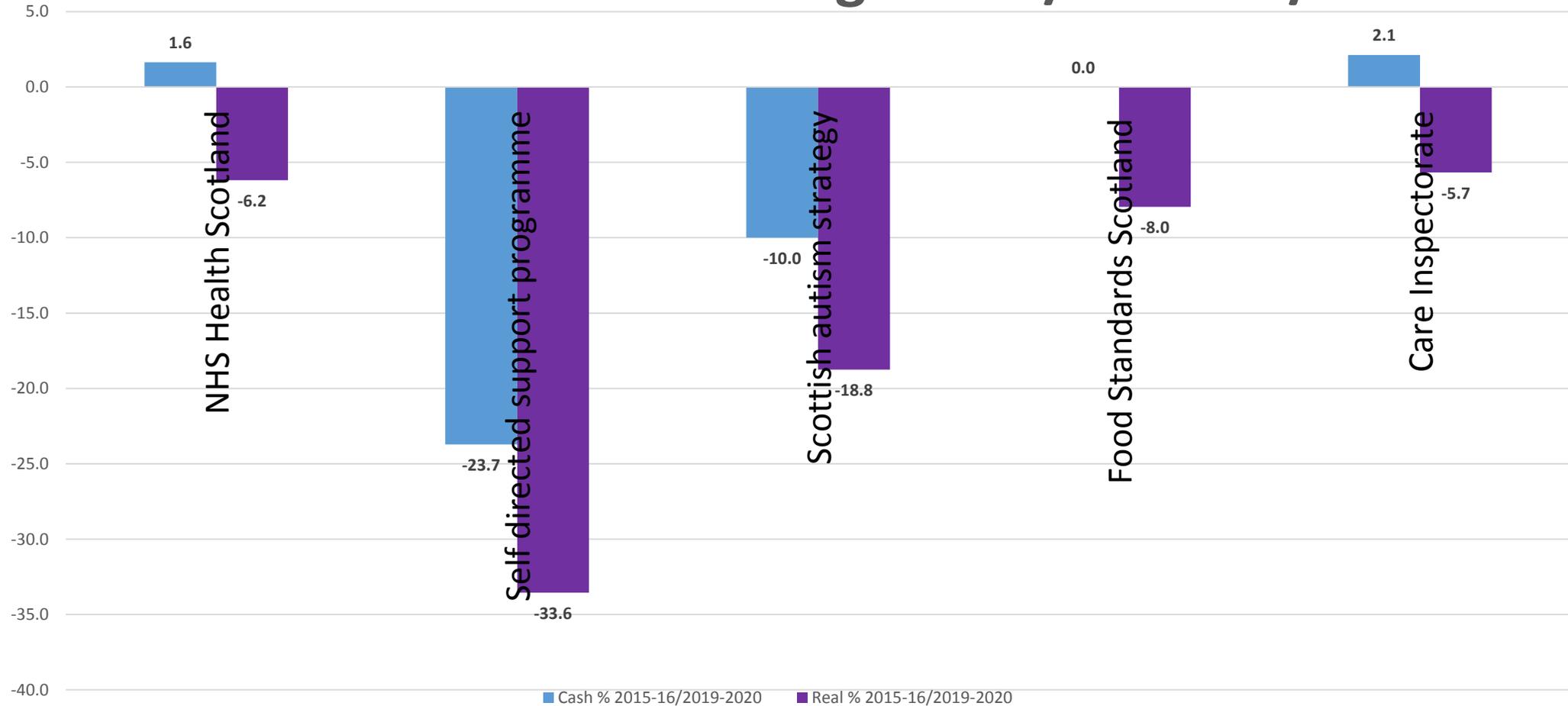
Variations in Health Board Budget Allocations: Cash vs Real % change 2015/16-2019/20



Variations in selected health budget allocations: Cash vs Real Absolute (millions) change 2015/16-2019/20 (a)



Variations in selected health allocations: Cash vs Real % change 2015/16-2019/20



Issues with data transparency and availability

- **Further breakdown necessary** e.g. ‘Mental Health’ doesn’t help to understand any difference in, for example: adult and child services; what type of services / therapies are receiving the investment.
- **‘Other under £2 million’** - common category which often includes entire budgets for rights-focused areas that are not possible to explore.
- ‘No Change’ – no change is **always** a change in real terms. Cumulative ‘No Change’ over 5 years is a lot of change.
- Varying **degrees of depth of explanation** – when positive change usually good detail provided, when no change or disinvestment explanations can be limited and opaque.

Issues with data transparency and availability

- Changing budget lines makes following resource allocation over time complex.
 - Annually this is accounted for (to a greater or lesser degree) by the ‘What it buys’ and ‘Explanation of significant changes from previous year’ sections.

<p>Outcomes Framework</p>	<p>This reflects the amalgamation of numerous high value in-year allocations provided to NHS Boards. Includes previous bundles such as effective prevention and dental, IVF and Maternity and Neonatal Services.</p>	<p>A 5% efficiency saving has been applied to this budget for 2019-20.</p>
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- Comparing 2015/16 to 2019/20 like for like – for half of the budget is not possible.
- It is complex – budget priorities change and develop; portfolios change, mix and merge – would a base budget followed through a parliamentary term be feasible to improve transparency?

Minimum Core for Scotland?

“The morality of the depths, the line beneath which no one is allowed to sink”

Henry Shue

- A Relative vs An Absolute Minimum Core
- Examples from around the world – and the UK - R v Lord Chancellor in the UK Supreme Court
- Respect – If budgetary cutbacks result in the interference with or diminution of current enjoyment of economic and social rights, the State’s duty to respect those rights has been breached. For example, allocations may need to increase in order to take account of inflation.
- Protect – the duty to protect requires State’s to allocate necessary and sufficient funding to regulatory mechanisms that protect against the interference by 3rd parties with the enjoyment of economic and social rights.
- Fulfil – More resource dependent, budgetary allocations and expenditure will play a key role in state efforts to give effect to this obligation.

Formulating a State's Minimum Core

1. Identification of a human right in the covenant e.g the human right to food
2. Identification of the scope of that right
3. Identification of the content of the obligations associated with a given right in light of considerations such as possibility and burden
4. Identification of the sub-set of obligations associated with the right that must be fully complied with immediately by all states and hence do not come within the doctrine of progressive realization
5. Identification of structural, process and outcome indicators relevant to minimum core obligations of ESC rights drawing upon OHCHR and Sustainable Development Goals.
6. Identification of the consequences of non-fulfilment of minimum core obligations, including secondary duties arising for the target state and other states or international agents

External Impact

- **#YourBudgetYourRights** trending in Edinburgh and UK (on a day when Brexit news was hitting headlines!)
- **Poverty & Inequality Commission** review of the 2019-2020 budget through a poverty lens – took a human rights based approach
- **Scottish Labour Parliamentary Researchers** contact following #YourBudgetYourRights – developing work together
- **CIPFA** – invitation to national annual conference to address 150+ Directors of Public Finance in Scotland; Article in their International Newsletter & Public Finance
- **EBAG** – Key Directors/Deputies starting to see the value of human rights based scrutiny
- **Minister for Equalities and Older People** – Human rights budgeting champion
- **Parliamentary Committee** requests to give evidence

Is the budget deliberately confusing?



Dr Alison Hosie from the Scottish Human Rights Commission tells the committee that she is not bad with numbers but asks if the budget is deliberately confusing, giving the impression it is difficult so people won't interrogate it.

"Transparency is absolutely critical for any kind of scrutiny," adds Dr Alison Hosie.



Internal Impact

- **Commitment to a funded programme of work for the next year (hopefully 2020-2024)**
 - Publication of Why, What How? dissemination series on human rights budget work (Autumn 2019)
 - Encourage human rights scrutiny within FCC and/ or EHRC guidance to Scottish Parliament Committees (including effective embedding of NPF outcomes in budget discussions) (Budget cycle 2020-21)
 - Participation of the Commission in pre-budget scrutiny (Budget cycle 2020-21)
 - Publication of the process indicators (Autumn 2019-April/May 2020)
 - 3-year collaborative PhD on *Minimum Core Obligations: Using a sociology of human rights to examine the potential for human rights budgeting in Scotland* (October 2019-December 2022)
 - Development of a project plan to undertake a focused spotlight budget scrutiny report during the next strategic plan cycle 2020-2024 (possibly on health & social care)

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The budget “reflects the values of a country – who it values, whose work it values and who it rewards... and who and what and whose work it doesn’t.”

Pregs Govender 1996