



# DISCUSSION PAPER N.1

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*“DISABILITY IS ALWAYS AN AFTERTHOUGHT”\**

*Why progress on inclusion demands action on budgets*

- Polly Meeks and Alexandre Cote

**WORKING DRAFT:** Please note the content of this paper is provisional. It will be supplemented with initial evidence from experts on budget analysis from organisations of persons with disabilities in the Global South, and the findings will be put out for consultation with organisations of persons with disabilities before finalisation.

*\* Quote from a respondent of the report's survey describing their perspective on their country's budget process*

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# EXECUTIVE SUMMARY

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The twelve years since the adoption of the UN Convention on the Rights of Persons with Disabilities have seen important progress in many national legal frameworks – but implementation lags behind. Realising a society where persons with disabilities can participate on an equal basis with others requires changes at all levels: from policy reforms, through enhanced evidence and learning, to changes in attitudes from the grassroots up. None of these changes can be fully achieved without more and better public budget resources for inclusion.

Budgeting is a highly political process: as a minority often marginalised from power, persons with disabilities tend to lose out. This report presents evidence from a survey of 38 civil society organisations in 23 countries, complemented by more detailed findings from disability budget analyses in India, the Philippines and the Pacific. Despite some pockets of progress, the overall picture is of serious shortfalls in the quantity and quality of resources allocated. In different countries around the world, government decisions on budgets and public financial management modalities are, often inadvertently, contributing to keeping children with disabilities out of school; preventing Deaf people from accessing sign language in health facilities; causing persons with disabilities to lose essential support services that enabled them to live independently; and perpetuating segregated services that prevent persons with disabilities being included in the community – to name a few examples.

States have primary responsibility for resourcing the rights of persons with disabilities within their borders, and there are fundamental obligations that apply to countries across the income spectrum. Nonetheless, the level of domestic resources available for the rights of persons with disabilities in lower income contexts is still very limited and Official Development Assistance ('aid') from external actors also has an essential contribution to make. However, the same external actors are at risk of undermining those investments, until they address policies on cross-border issues such as tax and debt that can shrink national fiscal space for realising the rights of persons with disabilities.

Organisations of persons with disabilities have a vital role to play in speaking out against the exclusionary dynamics that have led their priorities to be side-lined in budgeting decisions, and our findings show that they have a strong appetite to do so. However, they also face serious barriers in the openness of budget processes, and in their own organisations' resources to do this work.

Key actions can be taken to redress the balance of power in budget processes, and ensure more and better resource allocations for realising the rights of persons with disabilities.

## FOR GOVERNMENTS WORLDWIDE:

**1. Do no harm.** Ensure that existing expenditure **fully aligns with commitments on the rights of persons with disabilities**, by:

- **Reallocating funds away from** programmes and services that are **inconsistent with human rights commitments**, towards inclusive alternatives; and
- Ensuring that no public expenditures create or perpetuate barriers, including by making **non-discrimination and accessibility for persons with disabilities requirements in all public procurement**.

## **2. Integrate the rights of persons with disabilities throughout the budget process, by:**

Enhancing **transparency, accountability and participation** – including supporting meaningful participation of organisations of persons with disabilities throughout the budget process; making available disability-disaggregated data on budgets and on outcomes; and building the capacity of key officials.

- Conducting comprehensive **disability-responsive human rights impact assessments** on all proposed budgets (in all ministries, and at local as well as central government level). Take action on the assessments' findings, including through:
  - Ensuring economic policies allow for adequate domestic resource mobilisation to fulfil human rights obligations
  - Redesigning revenue raising tools that have a regressive impact
  - Allocating resources to address any minimum core obligations that are currently unfulfilled (e.g. inclusive primary education)
  - Planning progressive increases in resources for the rights of persons with persons with disabilities and other marginalised groups, in line with increases in total available resources
  - Applying the principle of non-retrogression, to avoid disproportionate, arbitrary or discriminatory cuts
  - Mobilising international cooperation and Official Development Assistance to support the inclusion of persons with disabilities and other marginalised groups

**3. Conduct a spill-over analysis** of how economic policies, e.g. on tax, may affect the enjoyment of rights by persons with disabilities and marginalised groups in other countries, and take action on any such policies that are incoherent with the principle of 'leaving no one behind' .

### **FOR DONOR GOVERNMENTS:**

**4. Prioritise the realisation of the rights of marginalised groups, including persons with disabilities, in international cooperation;** ensure that all Official Development Assistance-funded programmes are accessible to and inclusive of persons with disabilities; and report on this to the new Organisation for Economic Cooperation and Development Assistance Committee, using the new disability 'marker' that was recently agreed for use on a voluntary basis.

### **FOR NON-GOVERNMENT ACTORS:**

**5. Allies to the disability movement (such as international NGOs and funding organisations)** should prioritise funding and capacity building support to enable organisations of persons with disabilities to engage more actively in advocacy on budgeting.

**6. Organisations of persons with disabilities, other marginalised groups, and "mainstream" advocates working on budget accountability and financing for development** should work together to build each other's capacity and reinforce each other's messages on issues of socially just and human rights-compliant resource mobilisation and deployment.

# INTRODUCTION

## The importance of CRPD-compliant budgeting

The UN Convention on the Rights of Persons with Disabilities (CRPD) – which sets out explicitly states’ obligation to ensure the realisation of all the civil, political, cultural, social and economic rights of all persons with disabilities – was adopted in 2006 and has now been ratified by 177 countries worldwide.<sup>1</sup> According to the 2011 World Report on Disability published by the World Health Organisation and the World Bank, national implementation of the CRPD requires policy reforms, social innovation, pilot programmes and scaling up of successful local practices for most countries and in most policy areas.<sup>2</sup> This in turn requires, in all countries, often greater and always better mobilisation and use of public resources for inclusion.

In line with CRPD obligations, countries irrespective of their level of income or economic development have to use maximum available resources to meet CRPD commitments,<sup>3</sup> but the way this should be done varies according to context. For some countries, mostly members of the Organisation for Economic Cooperation and Development (OECD) or some former socialist countries, which already have substantial spending in disability (albeit not always sufficient to meet their obligations in full and subject in recent years to damaging austerity policies), it implies first reallocation of some expenditures towards CRPD-compliant programmes and policies, such as deinstitutionalization and the development of community-based services, with the unavoidable cost of transition.

In most low- and middle-income countries<sup>4</sup> where few significant policies or programmes aiming at the inclusion of persons with disabilities have been developed or publicly funded, significant additional public spending is required. As a default benchmark, OECD countries spend on average 2.1% of Gross Domestic Product (GDP) on specific support for persons with disabilities. In contrast, data from India, Mauritius, Namibia, the Philippines, South Africa and pacific islands countries indicates that allocations in many low- and middle-income countries are often below 0.5% of GDP and some are actually spending less than 0.1% of GDP. Considering this gap, it is therefore reasonable to think that there is a space for significant increase of domestic resource mobilisation and public spending for inclusion of persons with disabilities.

The Government of Samoa’s efforts to develop a costed CRPD implementation plan in 2015, following their CRPD ratification, provides an interesting illustration, even though the experience had many caveats due to data limitation. *The plan covered only some key actions prioritized by stakeholders as critical for starting CRPD implementation, and projected that resource allocation ranging from 0.2% to 0.7% of GDP over 5 years would be required as compared with the 0.1% then allocated.* However, in low- and middle-income contexts just as in high- income contexts, it is critical to consider the increase of resource allocation within a CRPD-compliant framework. Investing more in residential care institutions or segregated schools can indeed result in an increased higher budget allocation while actually creating more barriers to inclusion.

<sup>1</sup> United Nations, [Convention on the Rights of Persons with Disabilities](#) [accessed 20 July 2018]

<sup>2</sup> [http://whqlibdoc.who.int/publications/2011/9789240685215\\_eng.pdf](http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf) P.65.195.214.267.275

<sup>3</sup> UN Committee on Economic, Social and Cultural Rights, [General Comment No. 3](#), Center for Economic and Social Rights, 2012, [The OPERA Framework](#).

<sup>4</sup> <http://www.who.int/bulletin/volumes/87/5/09-057067/en/index.html>; [http://www.unicef.org/mozambique/media\\_10919.html](http://www.unicef.org/mozambique/media_10919.html); <http://www.dfid.gov.uk/Documents/publications1/edu-chi-disabil-guid-note.pdf>

## What does CRPD compliant budgeting mean?

While the CRPD Committee has not yet developed a specific perspective on the subject, one could elaborate few basic elements in line with CRPD Article 3 (general principles) and Article 4 (general obligations):

- The overall public finance management system contributes to the realization of all human rights of all persons with disabilities as specified in the CRPD, using all public financial management instruments (transfers, public procurement, grants, contracts, tax expenditures...)
- All spending prevents creation of new barriers with strong emphasis on accessibility and non-discrimination requirement in public procurement (Box 1)
- Public resources do not finance programmes and services that are in contradiction with the CRPD principles and provision.
  - There are plans for transition and reallocation from non-CRPD compliant to CRPD compliant services and programmes.
  - This applies also to services that are publicly funded and/or regulated but delivered by private entities
- Maximum available resources, including domestic and international, are mobilised across sectors and at central and local government level. In many countries, the largest spenders of public resources for disability inclusion are, in descending order: the ministry of social affairs, the health and education ministries, and sometimes the ministry of labour. Most ministries do not have a specific allocation that would contribute to make their services and programmes inclusive of persons with disabilities.
- Money follows responsibilities: in some countries, responsibilities for service delivery have increasingly been transferred to local government, but with no commensurate transfer of resources from the central level, which increases competing priorities at local level.
- Revenue generation including taxation is progressive and takes into consideration the extra costs faced by persons with disabilities
- A social clause in public procurement may be used to promote employment of persons with disabilities, where appropriate, in line with CRPD article 5.4 (on achieving substantive equality)
- The principle of non-retrogression is fully applied and prevents disproportionate and arbitrary cuts in resources allocated for inclusion of persons with disabilities. Austerity measures that have weakened standards of support across Europe since the 2008 crisis are an illustration of such negative policies.
- Budgeting processes and reports are transparent, with agreed upon indicators for monitoring the progress of CRPD compliant budgeting, including not only budgetary allocation but actual expenditures as well.
- Persons with disabilities, including children with disabilities, through their representative organizations, should be closely consulted in planning and execution of budget at the national and local levels (Article 4.3).

**Box 1: Accessibility and non-discrimination requirements in public procurement as a sine qua non condition for inclusion**

Across government agencies, public funds can only be made inclusive if there are accessibility and non-discrimination requirements within public procurement procedures. Public procurement accounts for a very significant part of a country's economy, around 20% of Gross National Income for OECD countries and 14.5% for developing countries and it is estimated that 50% of total official development assistance ('aid') is spent through public procurement.<sup>5</sup> A study conducted in 2015 by the International Disability Alliance showed that very few countries have compulsory accessibility requirements in their public procurement regulations. If public procurement policies and procedures continue to fail to address accessibility and non-discrimination requirements for persons with disabilities, this will lead to more barriers and higher costs of inclusion of persons with disabilities. Including accessibility requirements in public procurement is a cost-effective way of building barrier free societies.

**Making all public spending inclusive: cross-cutting considerations**

To achieve the best, and fastest, results for inclusion of persons with disabilities, both domestic and development assistance resources in low and middle-income countries must be spent in a way which is inclusive and accessible.

Making mainstream programs and services inclusive is not an easy task, as there are often gaps in terms of technical knowledge and data for designing such inclusion, as well as estimating related costs. Additionally, it often requires disability-specific measures to be in place, such as accessibility standards, access to assistive devices and technology, access to community support services, sign language interpreters, a non-discriminatory legal framework, and a coherent approach to data disaggregation. These often go beyond the responsibility and capacities of the respective ministries and require coordinated investments across government agencies. However, ministries tend to work in silo, which prevents the pooling of resources and shared ownership required to develop these enabling measures across sectors. While it may be true that a single ministry, especially the most under-resourced which are often the focal ministry for disability, may not have the resources to develop all required services, resources would be most likely available if mobilised across ministries. Findings from disability budget analysis in the Philippines, India and the Pacific illustrate some of the challenges of making public resources inclusive in practice (Box 2).

**Box 2: Findings from disability budget analysis in the Philippines, India and the Pacific**

Budget analysis carried out by organisations of persons with disabilities in the Philippines, India and the Pacific have showed that key mainstream policies and programs rarely have disaggregated data to monitor how much persons with disabilities are benefiting from those programs. They also rarely have adequate measures and regulations to ensure the inclusion of persons with disabilities. When there have been compulsory budget earmarking provisions for disability, most ministries, besides social affairs, health and education, did little, mostly because of a lack of awareness. Too often, budgetary efforts in education are still directed to special schools rather than adequately resourcing inclusive education. Some efforts have been made in social protection programs, for instance in the rural employment scheme of India (the National Rural Employment Guarantee Act) or the poverty assistance conditional cash transfer programme "4Ps" in the Philippines to include persons with disabilities, but it remains limited.

<sup>5</sup> Eurodad, how to spend it, 2011, [http://www.un.org/en/ecosoc/newfunct/pdf/luxembourg\\_eurodad-how\\_to\\_spend\\_it.pdf](http://www.un.org/en/ecosoc/newfunct/pdf/luxembourg_eurodad-how_to_spend_it.pdf)

# THIS REPORT'S APPROACH

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## Aim

As the preceding section signalled, civil society analysis and advocacy on CRPD-compliant budgeting is just starting to gain momentum. The aim of this report is to give a snapshot of the current state of play in diverse contexts around the world: how are activists engaging in budget processes, how do they perceive their governments' performance, and what lessons can be drawn for governments and other stakeholders seeking to drive forward CRPD implementation through public budgets?

## Methodology

The report presents the results of a survey of civil society activists undertaken at the end of 2017. The survey asked about the extent to which budgets responded to obligations on the rights of persons with disabilities; about activists' experiences of budget analysis and advocacy to date; and about their future plans. The survey was distributed both through networks of disability activists and through networks of budget advocates. 38 responses were received from a diverse range of organisations across the world:

- The responses came from 23 countries, plus two regional umbrella organisations. The responses spanned Africa, South Asia, South-East Asia and the Pacific, Latin America, the Middle East, and Europe.
- 23 out of the responses came from organisations of persons with disabilities. The survey elicited particular interest from organisations of Deaf people and persons with hearing impairment. The responses also included organisations representing populations that face a particularly high degree of marginalisation – for example, women with disabilities, indigenous peoples with disabilities, and persons with disabilities who have been diagnosed with HIV/AIDS.
- The responses came not only from specialist disability advocacy groups, but also from a number of “mainstream” budget advocacy groups that include a disability lens in their work.

We triangulated the survey findings with published reports from other civil society work on disability budget advocacy (though such reports are still very rare), and with case studies from budget analysis work by organisations of persons with disabilities in Asia and the Pacific.

## Limitations

The work has two limitations. First, the responses – though numerous and diverse – cannot be assumed to be representative of the experience of disability activists everywhere, and there may be a degree of self-selection (those with more concerns over budget deficiencies may have been more motivated to respond). Second, where we present the findings of the survey with respect to individual countries, we are reporting the views of survey respondents as experts on their local contexts, but it was outside our scope to do our own country-level analysis against which to calibrate the responses. This means comparisons between different countries should be treated with a degree of caution, as different respondents may have used different approaches.

Even allowing for these limitations, the frequency with which certain core messages were repeated by diverse respondents leaves our basic finding in little doubt: urgent action on budgets is needed if aspirations on inclusion are to be met. The following sections break this down in more detail.

# FINDINGS

## 1. More and better resources are needed

### Resources lag behind policy commitments and CRPD obligations

Overall, the key message from the survey was that many governments' resource allocations for the rights of persons with disabilities lag well behind their policy and legislative commitments on inclusion, and behind the resourcing obligations contained in the CRPD. To be sure, there were some more positive reports among the survey responses too (highlighted in Box 3), but on the whole the recurring theme was that allocations are falling short.

The survey asked whether advocates had ever heard the government say that it could not fulfil a disability advocacy demand because of a lack of resources. **Out of 38 respondents, 28 reported that they had.** This included many examples in contravention of governments' own policy commitments, or of CRPD obligations. Recurrent issues included:

- **Inadequate resources for inclusive education.** For example, a respondent in one low-income country reported that the government had committed in its legislation that it would allocate 10% of the education budget to "special needs education"; yet in practice the allocation in the 2017-18 budget was only 0.2%.<sup>6</sup> These findings on inadequate resources for inclusive education are corroborated by previous in-depth research on the issue by the International Disability and Development Consortium and Light for the World.<sup>7</sup>
- **Inadequate resources for sign language interpretation.** A global organisation of Deaf people said that "most of our members struggle with the lack of funding for sign language interpretation". An organisation of Deaf people in Namibia reported that although the state had a Sector Policy on Inclusive Education, there was no budget to pay interpreters: "this makes the inclusive sector policy fail, as Deaf [students] are not catered adequately in mainstream schools". A human rights organisation in Uganda reported that Deaf people do not have access to sign language interpretation in healthcare – and that it was taking action to challenge this through the Ugandan Constitutional Court.<sup>8</sup>
- **Gaps or proposed cut-backs in resources for personal assistance and support services,** even in very high-income countries. For example, an organisation of persons with disabilities in one such country reported that many persons with disabilities were losing government support for personal assistance.
- **Persistence of segregated services** in some countries. Such services often violate the rights of persons with disabilities to live independently and be included in the community, whilst at the same time diverting significant resources away from inclusion. For example, one respondent said that in his country, "The budget has not allocated lines for supporting disability based

<sup>6</sup> It is possible that the total would be a little higher if more granular data on XRPD-compliant spending in local government and in some specialized units of the ministry was available. Nonetheless this headline is broadly consistent with our wider knowledge of educational opportunities for persons with disabilities in the country in question.

<sup>7</sup> International Disability and Development Consortium and Light for the World, 2016, [Costing Equity: The Case for Disability-Responsive Education Financing](#)

<sup>8</sup> Initiative for Social and Economic Rights, 15 August 2017, [Civil society sue government over absence of sign language interpretation in access to health care](#)

projects ... [nor] the inclusion of persons with disabilities in mainstream operations. The only budget line dedicated to disability focuses on sponsoring segregating institutions and a few livelihood supplies such as low quality wheelchairs, diapers, etc.”. An organisation from Argentina reported a lack of government investment in transitioning from segregated hospitals to community-based mental health care.<sup>9</sup>

**Box 3: Progress is possible**

Although the overall picture from the survey was that persons with disabilities are being marginalised budget processes, there were also some sporadic signs of progress. Several organisations (in both lower and higher income contexts) reported that their governments had engaged constructively with them on budgeting matters. In a few cases they said that this had led to concrete increases in budget allocations. For example, while there is still much further to go, one organisation in Sub-Saharan Africa reported that, following advocacy from organisations of persons with disabilities, there had been substantial increases in local level budget allocations for inclusive education. In the Pacific, several countries have adopted disability specific social protection schemes following DPOs advocacy.

## Inadequate resource allocations: part of a pattern of political marginalisation

Deficiencies in resources for the rights of persons with disabilities do not arise by chance: they reflect political choices and dominant norms about who should benefit from public funds. Being a minority that is often marginalised from power and from visibility in society, persons with disabilities tend to lose out in such political decisions.

Several respondents pointed to this trend explicitly. “Support to persons with disabilities and other vulnerable groups are not one of the priority areas for both central and local government financing” said one respondent from a low-income country. “Disability is always an afterthought”, said a respondent from an organisation of persons with disabilities in Sub-Saharan Africa. “There is much money for reforms in a rich country like [this one], but not reforms to implement rights for persons with disabilities”, said another respondent. Even in contexts where resources are allocated, persons with disabilities tend to have little voice in how this is done, making it possible for the government to persist in funding segregated services where “the medical and charitable approach remains strong”, as one respondent from Luxembourg put it.

Persons with disabilities who experience intersecting discrimination tend to be particularly marginalised, and so are likely to get an especially raw deal in budget processes.<sup>10</sup> One respondent said that it was rare for budgets to include allocations for persons with disabilities at all, and rarer still that they include indigenous peoples or women with disabilities.

Inadequate resource allocation for the rights of persons with disabilities can be a clear manifestation of a wider tendency to de-prioritise spending on social sectors. One respondent from a low-income

<sup>9</sup> Civil Association for Equality and Justice, 2015 and 2016, [Políticas de Salud Mental: Transparencia y análisis presupuestario](#); [Salud Mental y Presupuesto: por un presupuesto transparente y adecuado](#)

<sup>10</sup> See for example Hans, Patel and Agnihotri, 2008, ‘The Need for A Framework for Combined Disability and Gender Budgeting’, *Indian Journal of Gender Studies*

country reported that “the government priority is in security, developing the country road and energy infrastructure and natural resource exploitation. Even the education sector generally is inadequately funded by the state”. Another respondent from a middle-income country said he had been told “disabilities does not fit under the government’s national priorities. There is no clear justification for this answer, neither a clear clarification of the alternative areas of spending. However, our observation shows that their priority is to service the government national public debt, salaries, and military expenditures.”

Yet while disability advocates and other advocates of increased social sector spending (for example, women’s rights organisations, or health advocacy groups) would often make natural allies in budget processes, responses hinted that in practice these groups may be played off against one another. One respondent reported that governments in his region would not increase its spending in support of the rights of persons with disabilities because of, among other factors, “competing priorities with needs of general population” – as if persons with disabilities are not themselves part of the general population, in need of access to basic services like everyone else.

## **Resources for the rights of persons with disabilities: a vital consideration in wider economic policy decisions**

Political choices affect not only the way that resources are allocated, but also the total volume of resources available in the first place. It is very rare for such decisions to make explicit reference to the rights of persons with disabilities, but their implications – whether positive or negative, and whether domestically or extraterritorially – can be profound.

### ***Decisions on domestic economic policy can severely affect the rights of persons with disabilities***

The adverse impact that domestic economic policy decisions can have for persons with disabilities have been clearly documented in the case of austerity programmes.<sup>11</sup> An increasing body of analysis and jurisprudence and also points to the impact that tax policies can have on the economic, social and cultural rights of the most marginalised: for example, cuts in income taxes can reduce resources available for public services, whereas the imposition of taxes on consumption (e.g. Value Added Tax) hits those on low incomes disproportionately hard.<sup>12</sup>

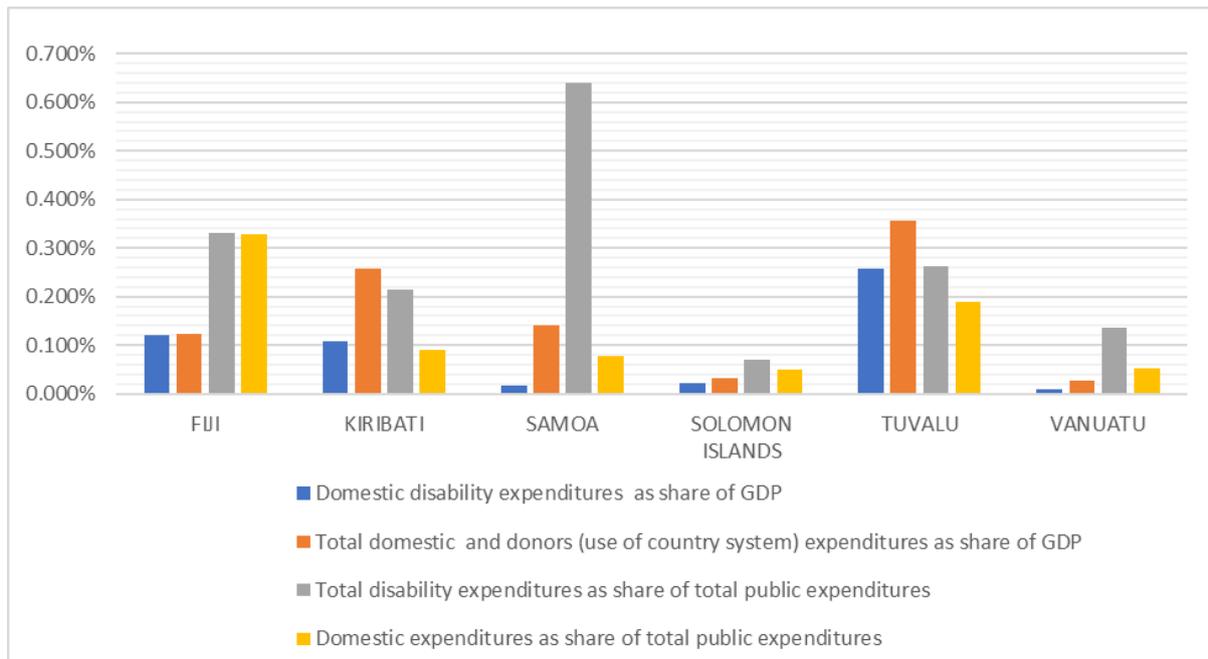
### **Resources for the rights of persons with disabilities are also an international issue**

The incremental and utterly political nature of national budgeting processes in most countries, together with the real fiscal space limitation for social spending that may exist in lower income countries implies that international development cooperation resources are necessary, including in some middle-income countries. A study by the Pacific Disability Forum showed that many Pacific countries would not have been able to make significant investment in the rights of persons with disabilities without official without Official Development Assistance as shown in the graph below:<sup>13</sup>

<sup>11</sup> For example, Office of the High Commissioner for Human Rights, 2013, [Report on Austerity Measures and Economic and Social Rights](#)

<sup>12</sup> See for example CESCR, Concluding Observations UK E/C.12/GRB/CO/6 (2016)

<sup>13</sup> Pacific Disability Forum (2018) Regional CRPD SDG monitoring report: Furthering partnership for inclusive pacific 2030



Recent developments send a positive signal that donors are paying more attention to the rights of persons with disabilities: these include explicit references to disability in the Addis Ababa Action Agenda; the disability inclusion strategies and engagement of DFID or DFAT; creation of the GLAD network (Global Action on Disability)<sup>14</sup> which gathers public and private donors who support disability inclusion; and the adoption of a disability inclusion policy marker, albeit on voluntary basis, in the Organisation for Economic Cooperation and Development Assistance Committee’s Creditor Reporting System database.<sup>15</sup> These signals now need to be translated in more funding.

As important is the urgency for stronger safeguards to be adopted across donors to ensure that Official Development Assistance-funded projects and programs are accessible to and inclusive of persons with disabilities. The good practice document recently published by the World Bank<sup>16</sup> in support of implementation of its new Environmental and Social Standards signal an intention but there are still doubts with regards to actual implementation.

However, these developments take place against a backdrop of stagnating levels of Official Development Assistance (‘aid’) overall. Donor governments continue to fall well short of their commitment to allocate 0.7% of Gross National Income as Official Development Assistance.<sup>17</sup> Moreover, new trends such as an increased focus on support to the private sector, through ‘blending’ Official Development Assistance with other types of finance, threaten even to divert some of these scarce resources away from the priorities of the most marginalised.<sup>18</sup>

<sup>14</sup> GLAD network is a coordination body of bilateral and multilateral donors and agencies, the private sector and foundations working to enhance the inclusion of persons with disabilities in international development and humanitarian action <https://gladnetwork.net>

<sup>15</sup> OECD DAC Working Party on Development Finance Statistics, 18 June 2018, Proposal to introduce a policy marker in the CRS to track development finance that promotes the inclusion and empowerment of persons with disabilities

<sup>16</sup> <http://pubdocs.worldbank.org/en/573841530208492785/ESF-GPN-Disability-June-2018.pdf>

<sup>17</sup> Oxfam, 2018, [Global aid stagnates at a time of unprecedented needs](#)

<sup>18</sup> Eurodad, 2017, [Mixed Messages: The Rhetoric and the Reality of Using Blended Finance to ‘Leave No-One Behind’](#)

## *While ODA has a critical role to play, other economic decisions in high income countries can also jeopardise resourcing for rights of persons with disabilities*

Economic decisions on everything from financial regulation to trade – can severely limit the resources available for governments in some countries to realise the economic, social and cultural rights of their citizens.<sup>19</sup> Such decisions can have a particularly severe impact on persons with disabilities, as the following examples illustrate.

- **International tax avoidance.** It is estimated that, globally, governments lose some 500 billion US dollars annually due to corporate tax avoidance alone,<sup>20</sup> facilitated by the tax policies and secrecy laws of mostly higher income countries. Losses due to tax avoidance have a direct and significant impact on the resources available to realise the rights of groups experiencing disadvantage across the world. For instance, the Committee on the Elimination of Discrimination Against Women recently highlighted how Swiss laws on corporate taxation and secrecy were having a spill-over effect on the rights of women in the other countries. A very similar argument would also apply to the rights of persons with disabilities.<sup>21</sup>
- **The costs of foreign debt.** The number of countries facing major debt crises has doubled since 2013.<sup>22</sup> The UN Independent Expert on Foreign Debt and Human Rights has documented how, when governments implement spending cuts in order to respond to economic crises, persons with disabilities tend to be among those worst affected.<sup>23</sup>
  - Survey respondents from one low-income country said that the government could not support programmes to help persons with disabilities to access work, because the country was undergoing a financial crisis. The financial crisis is in large part the consequence of an unsustainable debt burden: this country is heavily dependent on exports of a certain raw material, but now most related revenues go towards debt service costs.<sup>24</sup>
- **Policy interference.** Donor countries' governments – and multilateral institutions that they dominate such as the International Monetary Fund – sometimes restrict the policy space, and influence the economic policies of, borrowing countries, including through conditionality and technical assistance attached to loans. This can result in policies that risk compromising the rights of persons with disabilities. For example, the World Bank and International Monetary Fund are promoting poverty targeted rather than universal social protection schemes,<sup>25</sup> and the World Bank constantly champions public-private partnership, despite the risks that such partnerships are known to pose to total government resources for realising economic, social and cultural rights.<sup>26</sup>

<sup>19</sup> For detailed analysis of this pattern, see for example Jesse Griffiths, 2018, "Financing for Development and the SDGs: an analysis of financial flows, systemic issues and interlinkages"

<sup>20</sup> Alex Cobham and Peter Jansky, 2017, [Global Distribution of Revenue Loss from Tax Avoidance](#)

<sup>21</sup> Concluding Observations Switzerland CEDAW/C/CHE/CO/4-5, 18 November 2016

<sup>22</sup> International Monetary Fund, 2018, [Macroeconomic Developments and Prospects in Low-Income Developing Countries](#)

<sup>23</sup> Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, 2017, [Development of Guiding Principles for Assessing the Human Rights Impact of Economic Reform Policies](#)

<sup>24</sup> Source – personal conversations with experts on debt sustainability.

<sup>25</sup> <http://www.cadtm.org/Pro-poor-or-anti-poor-The-World>

<sup>26</sup> S Biyanwila and K Soldatic, 2016, Global Financialisation and Disability: Can Disability Budgeting be an Effective Response in the South? M. Romero, 2015, [What Lies Beneath? A critical assessment of PPPs and their impact on sustainable development](#)

## 2. Engagement of organisations of persons with disabilities is key

### Organisations worldwide are keen to engage in budget advocacy

Until persons with disabilities are empowered to engage in budget processes, it will be very difficult to tackle the exclusionary political dynamics that have led to the priorities of persons with disabilities being side-lined. The survey results show that disability activists are keen to embrace the opportunity that budget advocacy offers.

- **Out of 39 organisations that responded to the survey, 27 said they had already done some budget analysis or advocacy.** This ranged from campaigns making the basic demand that disability issues be considered in the budget process, through to much more detailed analyses on the legality of specific government spending decisions.
- **35 out of 39 respondents said that they hoped or planned to engage in the budget process in future.** Their diverse plans ranged from local level budget monitoring, through work on national tax regimes, to capacity building for elected officials who vote on budgets.

### Budget advocacy is fraught with barriers for persons with disabilities

However, despite this strong appetite for engagement in the budget process, the survey also revealed that organisations of persons with disabilities face a number of practical barriers.

- **Access to budget processes and information can be a challenge.** Several respondents fed back that governments were not providing adequate opportunities for persons with disabilities to take part in the budget process. “At both national and local government level, there are inadequate consultations especially with vulnerable people like PWDs during the budgeting process”, one respondent reported.
- **Funding is a challenge.** Three respondents explicitly said that funding was a constraint to carrying out their plans. In many other cases, it was unclear whether planned advocacy was yet funded.
- **Capacity is a challenge.** Several respondents highlighted the need to build the capacity of persons with disabilities to engage in budget processes.

These findings chime with many of the barriers observed by activists in India, the Philippines and the Pacific in the course of their budget advocacy work (Box 4).

#### **Box 4: Challenges faced by DPOs in Budget advocacy in India, the Philippines and the Pacific**

- In many countries, despite recent efforts for open budgets, access to information is difficult. Laws such as the Right to information act in India can make a significant and positive difference. Still, when information is provided, it is rarely in accessible format and remains hard to interpret. In particular, the lack of specific markers or coding in accounts to flag disability inclusion in accounts makes it hard to track expenditures.
- Engaging with budget process is complex and requires certain skills and dedicated resources
- The lack of data, costing estimates and benchmarks, makes it hard for organisations of persons with disabilities to assess the scale of the funding gap
- Considering often limited resources, reaching political consensus about prioritisation of demands among organisations of persons with disabilities can be difficult

## Working towards a united front with other social justice advocates

Despite the natural synergy between the priorities of persons with disabilities, and those of campaigners working on broader budget advocacy campaigns, in practice coordination has sometimes proved to be a challenge. This is a missed opportunity, since disability budget advocacy is still a new field, and there is much to be learnt from all the efforts that have been made by the gender equality, child rights and economic and social rights movements. Without strong links to wider budget campaign coalitions, persons with disabilities may also miss out on political insights and may struggle to get their voices heard in consultations. The pioneering examples in Box 5 illustrate the potential for collaboration between disability and mainstream budget advocates.

### **Box 5: Mainstreaming disability in broader budget advocacy initiatives.**

Organisations of persons with disabilities in India and the Philippines have engaged with broader social movements through the people's / alternative budget initiative.

In the Philippines, work by organisations of persons with disabilities on CRPD-Compliant Budget Advocacy started in the second half of 2011 as a part of their efforts to monitor the CRPD. They worked in partnership with the Alternative Budget Initiative (ABI) led by Social Watch Philippines. CRPD Coalition representatives have been continuously active in this area of advocacy ever since leading the ABI-Persons with Disabilities Cluster, but also participate in other clusters, in particular the Social Protection, Health, and Education Clusters.

In India, a similar cooperation has been initiated by the National Centre for the Promotion of Employment for Disabled People and perpetuated by EQUALS<sup>27</sup> with the people's budget initiative led by the Centre for Budget and Governance Accountability.<sup>28</sup> Every year since 2012, as part of the overall people's budget initiative report, EQUALS analyses the Union budget compared to policy commitments, and articulate related demands. EQUALS also conducted budget analysis at state level in Tamil Nadu, analysed specific policies (education) or schemes (public work- the National Rural Employment Guarantee Act).

The organisations of persons with disabilities involved in both initiatives report that the experience was mutually beneficial and contributed to significantly increasing the visibility of demands on the rights of persons with disabilities. What is more, their engagement in the budget process has also contributed to a wider improvement in the terms of their engagement with the authorities, even beyond issues of budgeting.

<sup>27</sup> <http://www.equalscpsj.org>

<sup>28</sup> <http://www.cbgaindia.org/publications/analysis-of-union-budget/>

## CONCLUSIONS AND PROPOSED WAYS FORWARD

Securing budget resources is one of the next big frontiers on the journey to full implementation of the CRPD. As the evidence in this report shows, crossing the frontier will be no easy task: CRPD-compliant budgeting sits at the intersection between two vexed issues – the social and political marginalisation of persons with disabilities, and the subordination of social justice to other economic priorities. But, as the more promising examples in this report highlight, progress is also eminently possible, if the political will is there.

Twelve years after the CRPD was implemented, such political will cannot come a moment too soon. Governments will never be able to put ‘the furthest behind first’<sup>29</sup> so long as disability remains an afterthought.

The below proposals set out concrete steps that governments and other key stakeholders can take, to redress the balance of power in budget processes and ensure more and better budget allocations for persons with disabilities.

**PLEASE NOTE:** these proposals are provisional suggestions based upon the authors’ analysis of the evidence. They will be put out for consultation with organisations of persons with disabilities before finalisation.

### FOR GOVERNMENTS WORLDWIDE:

1. **Do no harm: ensure that existing expenditure fully aligns with commitments on the rights of persons with disabilities.** This also applies to services that are publicly funded and/or regulated, but delivered by private entities.
  - a. **Reallocate funds from programs and services that are inconsistent with human rights obligations,** towards alternatives that truly promote full and effective inclusion and participation of persons with disabilities. This includes setting aside adequate funds for the costs of transitioning from a segregated to an inclusive model.
  - b. Ensure that no public expenditures create or perpetuate barriers, including by making non-discrimination and **accessibility for persons with disabilities requirements in all public procurement,** and consider also including a clause to promote affirmative action in favour of employing persons with disabilities (and other marginalised groups) where appropriate.
2. **Integrate the rights of persons with disabilities throughout the budget process:**
  - a. Enhance **transparency, accountability and participation,** including by:
    - Ensuring and supporting **meaningful participation of organisations of persons with disabilities** throughout the budget process.
    - Ensuring that censuses, surveys and administrative data are **disability-disaggregated.** Wherever possible data should also be made available on the intersection of disability and other grounds for discrimination (e.g. gender)

<sup>29</sup> [Transforming our world: the 2030 Agenda for Sustainable Development](#), paragraph 4

- Providing transparent, accessible and timely **data on budget allocations** for the rights of persons with disabilities.
  - With the full involvement of persons with disabilities, offering **capacity building on the rights of persons with disabilities and CRPD-compliant budgeting** for (central and local) financial officials, elected representatives, supreme audit institutions, national human rights institutions, and other independent bodies charged with oversight of the rights of persons with disabilities.
- b. Conduct comprehensive **disability-responsive human rights impact assessments** on all proposed budgets, drawing on context-sensitive assessments of the costs that persons with disabilities face to participate equally in society. The assessment should consider revenue generation as well as expenditures. It should cover all ministerial budgets, not just those ministries that have historically had budget lines for disability-specific services. Issues related to decentralisation should be included.
- Take action to address any gaps identified by the assessment, including by putting in place an inclusive plan of action for each ministry or local government department. Detailed steps may include:
- At a broad level, ensuring that economic policies allow for **adequate domestic resource mobilisation** to fulfil human rights obligations at both central and local government level (for example, by avoiding getting drawn into a ‘race to the bottom’ on corporate tax rates).
  - **Redesigning tax policies or other revenue raising tools that have a regressive impact** on groups experiencing economic inequality. (For example, VAT on basic goods, user fees that restrict access to a basic service). The assessment of whether a tool is regressive should take into account the extra costs that persons with disabilities face to participate in society on an equal basis with others.
  - Allocating resources to **address any minimum core obligations** that are currently unfulfilled (e.g. inclusive primary education). Allocations should be sustainable and predictable, not tied to one-off short-term programmes, and there should be controls to confirm that funds allocated are duly spent. Where responsibility for service delivery is devolved to local government level, this should be matched by a commensurate transfer of resources.
  - Putting in place plans to ensure that **as available resources increase, so too do the resources allocated to realising the rights of persons with disabilities** and other marginalised groups.
  - Applying the principle of **non-retrogression**, so as to avoid disproportionate, arbitrary or discriminatory cuts in resources allocated to support the rights of persons with disabilities.
  - **Mobilising international cooperation and Official Development Assistance** (‘aid’) to support inclusion of persons with disabilities
3. **Conduct a spill-over analysis** of how economic policies, e.g. on tax, may affect the enjoyment of rights by persons with disabilities and marginalised groups in other countries, and take action on any such policies that are incoherent with the principle of ‘leaving no one behind’

**FOR DONOR COUNTRIES:**

4. In line with CRPD article 32, the Sustainable Development Goals and the Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, **‘prioritise the realisation of the rights of disadvantaged, marginalised and vulnerable groups’, including persons with disabilities**, in international cooperation.<sup>30</sup>
  - a. Ensure that **all aid-funded programmes are accessible to and inclusive of persons with disabilities**.
  - b. Through dialogue with partners governments and with local civil society organisations, including organisations of persons with disabilities, follow a human rights-based approach to identify gaps in domestic resource allocation for the rights of marginalised populations. Plan how **aid can best contribute to filling these gaps** whilst the government progressively works to increase resources allocated domestically
  - c. Report to the Organisation for Economic Cooperation and Development’s Development Assistance Committee on the extent to which all aid spending is inclusive of persons with disabilities, **using the new disability ‘marker’** which has just been accepted for use on a voluntary basis.

**FOR NON-GOVERNMENT ACTORS:**

5. **Allies to the disability movement (such as international NGOs and funding organisations)** should prioritise funding and capacity building support to enable organisations of persons with disabilities to engage more actively in advocacy on budgeting.
6. **Organisations of persons with disabilities, other marginalised groups,** and “mainstream” **advocates working on budget accountability and financing for development** should work together to build each other’s capacity and reinforce each other’s messages on issues of socially just and human rights-compliant resource mobilisation and deployment.

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<sup>30</sup> [Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights](#), principle 32