

Public Sector Reform for Children: Government Structures and Processes

Expert Consultation Summary Conclusions

Florence, 22-23 November 2011

Introduction

UNICEF Innocenti Research Centre (IRC) and Division of Policy and Practice (DPP) hosted an expert consultation on "Public Sector Reform for Children: Government Structures and Processes" on 22-23 November 2011 in Florence, Italy. The objective was to inform a research initiative on the same topic by refining the conceptual framework and research questions, and supporting the development of a methodology for case studies.

The Millennium Development Goals (MDGs) – many of which focus on children – and the Convention on the Rights of the Child (CRC) put governments under the obligation to fulfil children's rights and ensure their well-being. But a significant gap remains between governments' commitments and the concrete impact of their action, especially for the most marginalised children. Initial reflections around the post-2015 development agenda have focused on the need to ensure coherent and inclusive policies that deliver equitable results for all, guarantee the sustainability of development efforts including in times of crisis, and strengthen the human rights and governance framework for policy implementation and accountability for outcomes. This renewed agenda places the public sector as a primary structural determinant of the effectiveness of policy delivery. Understanding how the public sector works for children in various contexts is therefore critical.

Identifying entry points for UNICEF and its partners to help advance CRC implementation requires examining the governance context which determines public sector effectiveness, beyond the General Measures of Implementation of the CRC.¹ The current research initiative aims to expand the focus from formal mechanisms to the multiple factors that underlie effective and sustainable policies. Examining each of the stages of implementation – from legal and policy formulation by the central government, across its various sectors and down various levels of implementation, and finally to monitoring and assessment – has the potential of revealing where bottlenecks persist that obstruct the realization of child rights policies.

The Consultation brought together public administration experts and child rights advocates to reflect on CRC implementation. Engaging with the governance constituency enabled UNICEF not only to benefit from their knowledge and tools, but also to influence them in paying attention to children.

The central questions addressed were:

- **Who decides what and how at each level of policy-making and implementation?**
- **What are the main drivers and barriers to the effectiveness of the public sector in the implementation of the CRC?**
- **How can the public sector be reformed to ensure accountability for results for children's rights?**

Following are summary conclusions from the meeting.

¹ See General Comment No. 5 of the Committee on the Rights of the Child (2003). UNICEF Innocenti Research Centre (2011) *Child Rights and Governance Roundtable: Report and Conclusions*. London, 26-27 April 2011.

Putting child rights on the policy agenda implies translating a social fact – children as a social group – into a public policy issue, and allocating adequate resources

The recognition of children's rights as a policy priority requires coordinated work by various actors.

Given children's relative lack of political power, a proactive strategy must exist, which is informed by evidence, aligned to the overall development plan, and accompanied by advocacy.

Making children's rights visible in policy-making involves generating a dialogue to make the public and policy-makers realize the importance and urgency of addressing the matter with policies. At the core of the strategy lies the ability to identify relevant channels to influence policy-makers and present children's issues in terms that make it pertinent and comprehensible to them. This implies adopting the language of the counterpart child rights advocates seek to influence, such as the Ministry of Finance and the Ministry of Planning.

It also requires a coordinated approach among various actors in order to be heard in the crowded agenda of policy issues. Ministries for children are usually not sufficiently empowered to prompt such a shift within the public sector on their own. Therefore, the policy entrepreneurs within the system who formulate the agenda need to be identified. They may include cross-party parliamentary structures, as well as the Ministries of Foreign Affairs or Justice which are typically responsible for the implementation of international agreements.

Civil society represents an important ally, whose influence also depends on context:

- *Non-governmental organizations (NGOs)* can be influential social mobilizers if their individual actions are coordinated.
- *Media coverage* raises awareness of decision-makers if they promote in-depth understanding of children's rights, rather than sensational coverage of child rights violations producing ad hoc reactive policies that fail to address their root causes.
- *Academia* influences decision-makers with evidence and analysis on the nature, scale, consequences and costs of the problem, with greater impact when research is focussed, concrete, and rendered in political terms.
- *Professional networks* also contribute to raising awareness among professionals and the public on children's rights.

Budgets constitute both indicators and determinants of children's prioritization in policy-making and implementation.

Budgetary analysis provides child rights advocates and government agencies with compelling evidence on the level of priority awarded to children's issues because it uses data produced by governments themselves.

'*Budget for children*' analysis reviews the resources allocated within the various sectors that affect children, beyond separate allocations, and can offer accurate insight into the government's actual spending on children. Even if overall spending on health care has increased for instance, the allocation for services that affect children the most may have actually decreased. To identify trends, budget analysis needs to be an on-going exercise.

Public financial management implies tracking the budget flow from the national treasury to different sectors and government levels to identify where the money is spent and whether it gets diverted.

Entry points to influence budgets are limited. Since a major part of a national budget is predetermined based on expenses carried over from the previous year, advocacy efforts need to be targeted.

Coordinating implementation within government: Bringing a holistic approach into multi-sectional policymaking

Children's rights span many areas of public policy. Without effective coordination mechanisms in place, the whole child is fragmented across sector-based policy-making and the multiple actors involved in the implementation process.

The concept of policy coordination remains elusive.

Coordination was conceptualised in the discussion as an integration of varied activities between separate bodies towards achieving a common goal, in order to ensure the most efficient use of human and financial public resources. Yet there is no theory or model for successful policy coordination.

At the heart of coordination lies effective communication, both formal and informal, to create a sense of ownership of a shared goal, in this case the implementation of the CRC. Coordination is often about "playing the game" and following the unwritten rules of the system. It ultimately relies on persuasion and therefore requires strong negotiation and leadership skills to effectively lead to positive change. These informal processes behind coordination reveal the actual decision-makers.

Governmental structures remain important indicators of the status a particular policy issue enjoys.

Existing structures for the implementation of children's policies include:

- *Ministries in charge of children's affairs*, usually along with a broader portfolio such as women, family, and equality;
- *Autonomous and quasi-autonomous executive agencies*, responsible for implementing a specific policy;
- *Commissioners and inter-organizational committees* with relative autonomy, whose role is to advocate to the public and to parliament for one issue specifically, such as children's rights;
- *Participatory structures*, such as Children's Parliaments, although largely symbolic rather than exerting real impact on policymaking, that channel children's voices.

Negotiation lies at the heart of horizontal policy coordination.

The effectiveness of coordination largely depends on power dynamics within the public sector. The mechanism for children needs to have adequate political strength, authority, resources and a clear mandate in order to successfully negotiate with other governmental bodies, characteristics it rarely enjoys.

In addition, frequent restructuring of the coordinating bodies impairs the ability of children's mechanisms to function effectively, as it creates instability, hinders their visibility within the system, and alters their capacities.

Local level implementation and the challenges of vertical coordination: Decentralization, power tensions and capacity gaps

Local government is the focal point of implementation given its proximity to children and communities.

Local government is best positioned to respond to needs. It has access to accurate, context specific information about the situation of children, including by facilitating the engagement of children and adults with the public sector. Decentralization aims to capitalize on that knowledge in order to improve the effectiveness and efficiency of policy delivery.

Decentralization is characterized by increased vertical and horizontal inter-dependence between various implementation levels and actors. Ensuring that child rights policies are delivered equitably to all children implies addressing points of disconnect and disparities between these multiple implementers. Each of them operates with different priorities, resources and political power. Effective coordination therefore requires balancing their asymmetric relationship on the one hand with their strong mutual dependence on the other.²

At the decentralized level, children's issues again compete with other policy priorities for an even smaller pool of resources. Understanding the administrative, political, structural and informal processes that accompany decentralization in a given context is central to addressing the implementation gap.

Decentralization emphasizes the gap between the vision expressed in central policies and implementation on the ground.

Without instilling a sense of ownership in local governments, the original vision of national policies can easily slip into a procedural, bureaucratic interpretation. Varying perceptions of children's rights may influence approaches at the local level. This creates a tension between the devolution of power and responsibility on the one hand, and central government's tendency to retain political control on the other.

Transferring and building resources at the local level is critical.

Further to the provision of resources that match increased and more complex responsibilities for subnational governments, local capacity includes the ability to manage the multiple inter-dependencies. Conversely, coordination among different levels and sectors strengthens capacity by facilitating the sharing of knowledge and pooling of resources,³ especially in the context of prevailing regional inequalities.

2 Charbit, C. and M. Michalun (2009). "Mind the gaps: Managing Mutual Dependence in Relations among Levels of Government", *OECD Working Papers on Public Governance*, No. 14, OECD Publishing.

3 Charbit, C. and M. Michalun (2009).

Public sector accountability for children's rights: Monitoring, assessment and channels for change

Accountability is central to public sector analysis. In the rights-based approach, it implies that public sector bodies responsible for implementation should be held accountable for their actions, processes and outcomes.

Challenges stem from the complexities of monitoring the public sector and the difficulties of measuring the progress of child rights policies.

They include:

- *The intersectional nature of children's rights.* The realization of a right, although under the responsibility of one agency, is in reality determined by the performance of many other structures and processes.
- *Definition of criteria by which to assess the implementation process.* A legalistic assessment alone is insufficient to determine effectiveness. This explains the shift away from traditional accounting audits and procedure-based evaluation and towards performance-based monitoring, using indicators of policy outcomes and achievements.
- *Rendering children's rights attainments in a tangible quantitative form.* At the same time, quantitative indicators need to be complemented by qualitative assessments that can incorporate contextual nuances.
- *The multiplicity and diversity of actors and bodies involved in monitoring the realization of children's rights,* which makes it difficult to determine the most accurate assessment criteria.

Various assessment tools are used.

The *Child Friendliness Index*, developed by the African Child Policy Forum, ranks countries' commitment to children's rights through composite indexes in the areas of child protection and service provision.⁴ The success of the Index draws from its simplicity and quantitative value, which makes it both persuasive to policymakers and accessible to the public.

Capacity assessments of government machineries are specific to the country context and involve a multilayer, 360 degree review. These assessments meet with a number of difficulties including misrepresentation by actors, definition of scope and benchmarks including informal power, and quantification of external factors such as political environment and individual attitudes.

Existing monitoring structures include both independent actors and mechanisms with oversight/auditing functions.

The challenge is to find a balance between the objectivity of independent monitoring and the depth of analysis derived from the expertise of the organizations responsible for implementation.

- *Independent Human Rights Institutions for Children* provide independent monitoring of implementation of the CRC. They need to maintain the balance between their independence and close relations with the government in order to retain their influence.
- *Parliaments* constitute oversight mechanisms in ensuring government accountability for the implementation of laws and policies.
- Governments have established *built-in mechanisms for auditing and inspection* of their services.
- At the international level, the *Committee on the Rights of the Child* constitutes a significant independent accountability mechanism for public sector interventions for children's rights.

⁴ The measurement of children's participation is still being developed.

Importantly, in addition to formal structures, the public sector is also monitored by society. Translating this socialization of accountability into an effective control mechanism remains a subject of on-going debate, especially where democratic participatory structures are weak. Involving service-users, including children, to participate in monitoring and assessment provides a mechanism that can ensure a constant watch over the public sector.

The effectiveness of policies depends ultimately on the people who implement them but performance is hard to measure.

A framework for assessing the capacity and performance of civil servants is critical but presents several challenges:

- *Civil servants' resistance* to what they perceive as evaluation means that the information gathered through interviews and surveys can be subject to distortions.
- *Staff turnover* is high in governmental children's machineries, which are often perceived as less prestigious than other government departments hence less attractive in individual career strategies.
- *Systemic factors*, especially adequate leadership, influence staff performance, raising issues in relation to training, recruitment and criteria used for career advancement.
- *Civil servants' integrity* stems from a combination of law, institutions and management practices.

Involving civil servants in planning and decision-making increases their sense of ownership of the policies, and as a consequence, strengthens their accountability. The goal is to make them accountable for the public funds they manage, compliance with rules as well as public expectations, and their performance in service delivery. Excessive emphasis on procedural compliance at the cost of effective implementation can be offset by strengthening the channels through which public expectations can be formed, voiced and their realization verified, particularly through an active civil society.

From Assessment to Change.

Monitoring and assessment provide evidence and instruments to leverage political action. *The Child Friendliness Index* creates a motivation for governments concerned with their international image to increase their engagement towards children.

Understanding the bottlenecks that occur during the implementation process is imperative to identifying areas for concrete and targeted reform. Introducing changes on a local level is easier given the size of the jurisdiction and government. It also produces more immediate results that can then leverage further systemic change, which needs to be long-term and sustainable.

Messengers chosen to persuade policy-makers to implement changes play a determinant role in whether the recommendation will be endorsed. Who carries the message is as important as the message itself.

Conclusion

The link between government structures and processes and the CRC implementation gap cannot be underestimated. The analysis needs to focus on both public sector *and* children's rights, as each holds valuable insights for understanding the other.

While important, focus on structures can result in a public sector reform that amounts to no more than moving boxes. Instead, explaining the cognitive processes involved in CRC implementation offers entry points to influencing policy-making.

The following questions have emerged from the discussion:

- **How to frame the issue of children's rights in relevant terms, to make it pertinent to the policy agenda?**
- **What are the underlying process issues involved in implementation?**
- **Which actors are involved and where is power located?**
- **How do agents interpret centrally issued policies, legislation and children's rights?**
- **What are the characteristics of effective coordination – horizontal, vertical and even diagonal?**

Strategies for intervention need to go beyond understanding the processes and incorporate the dynamics of coordination.

Resources include money but also people. Children's issues are a low priority. Without prestige and economic incentives, the best people cannot be recruited.

Politics, sometimes referred to as the "mobilization of bias", tends to be partisan but also organizational and occur between and within organizations, and across different government levels. To strengthen the position of children's rights in the competition for political and financial resources, *mobilization* of public attention is critical. Here, valuable lessons can be drawn from the women's movement, while capitalizing on opportunities offered by globalization.

Next steps: lessons for research and case studies

- **Define specific research criteria and parameters** combining measurable elements through short- and long-term indicators in the administrative structure and processes that can provide an entry point for reform, accompanied by an analysis of the system as a whole.
- **Balance the analysis for formal and informal systems** and **identify bottlenecks**, distinguishing those inherent to the system from external ones and examining how they influence each other.
- **Select the cases and researchers** to include stories of successes or failures in order to identify possible pitfalls and leverages, and compare the same variables between most differing systems in order to move away from anecdote and toward evidence.
- **Focus on decentralized governments and process tracing** through micro studies of the public sector at the local level, which would substantially benefit from the cooperation between UNICEF's country offices and local governments.

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Public Sector Reform for Children: Government Structures and Processes

Expert Consultation Meeting - Programme

22 Nov 2011 - Day 1

SESSION I: Introduction and overview

moderator: Andrew Mawson

Welcome and objectives of the meeting

Challenges in public sector reform for children: An overview of key issues.

Guy Peters (Professor of Public Administration, University of Pittsburgh, USA)

Overview of Child Rights and Governance Roundtable.

Vanessa Sedletzki (Child Rights Specialist, UNICEF Office of Research, Italy)

SESSION II: Policy making

moderator: Trond Waage

Priority setting in policy-making

- How are policies formulated?
- Challenges for including those with little political voice – including children and how to give them visibility
- The role of non-governmental actors (NGOs, civil society, children)

Violeta Pallavicini (Professor and Director Doctor of Government and Public Policy Program, University of Costa Rica, Costa Rica)

Enakshi Ganguly (Director – HAQ: Centre for Child Rights, India)

SESSION III: Policy implementation

moderator: Guy Peters

Governmental Children Machineries (GCM): Overview of existing structures

Beatrice Duncan (Human Rights Specialist, UNICEF Headquarters, USA)

Policy implementation: Intersectoral / horizontal coordination

Julia Fleischer (Research Fellow, German Research Institute for Public Administration Speyer)

Policy implementation: Vertical coordination and challenges of decentralisation

Peter Hupe (Professor of Public Administration, Erasmus University, Netherlands)

Trond Waage (Former Ombudsman for Children. Independent government advisor, Norway)

SESSION IV: Monitoring and Accountability

moderator: Enakshi Ganguly

A Case Study of the Child Friendliness Index

Yehualshet Mekonen (Senior Programme Manager, the African Child Policy Forum, Ethiopia)

Accountability mechanisms: The role of independent human rights institutions

Shirin Aumeeruddy-Cziffra (Ombudsperson for Children in Mauritius)

Accountability of civil servants and performance management

Patrycja Suwaj (Professor of Public Administration, University of Bialystok, Poland)

Assessing capacities of government machineries

Nana Apt (Professor of Sociology, Ashesi University, Ghana)

Paul Quarles Van Ufford (Chief of Social Policy, UNICEF Vietnam)

SESSION V: Guidance for further research

moderator: Andrew Mawson

Key research and methodological questions

Guy Peters

Concluding remarks

Gordon Alexander (Director UNICEF Office of Research, Italy)