Training Toolkit on Government Innovation for Social Inclusion of Vulnerable Groups

Module 4
Policy and Legislative Frameworks & Innovation Needs

Division for Public Institutions and Digital Government

Contents

1. From Protection to Needs and Rights of Vulnerable Groups
2. Global, Regional, National and Local Policy and Legislative Frameworks
3. Areas of Limitations & Need for Innovation

Learning Objectives

- To introduce some policy and legislative approaches to vulnerability at global, regional, national and local levels
- To facilitate understanding on the limitations of the current approaches and frameworks and why innovation is needed

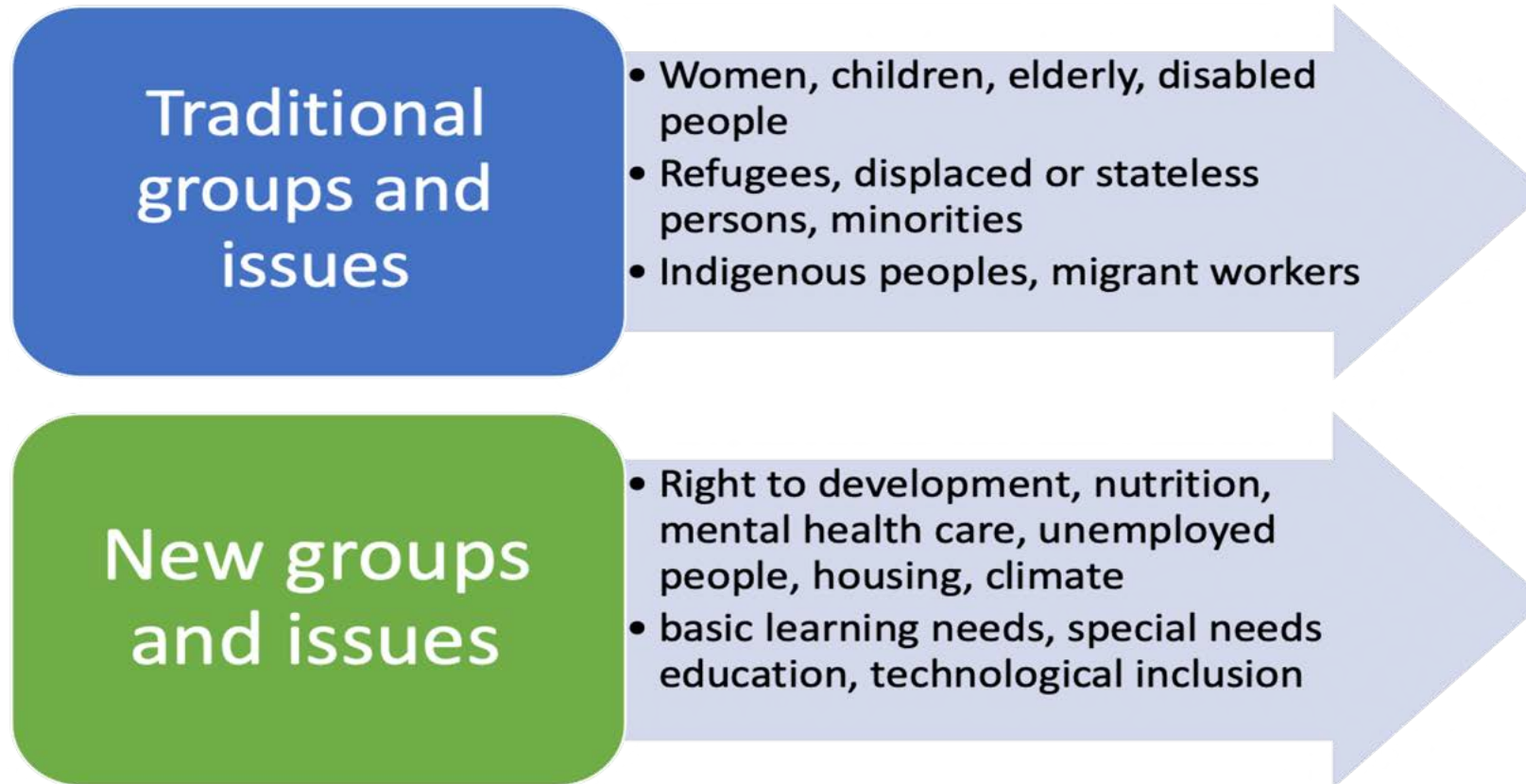# 1. From Protection to Needs and Rights of Vulnerable Groups

1. From Protection to Needs and Rights of Vulnerable Groups

Broadening from protection-based to also a rights- and needs-based approach

Traditional groups and issues
- Women, children, elderly, disabled people
- Refugees, displaced or stateless persons, minorities
- Indigenous peoples, migrant workers

New groups and issues
- Right to development, nutrition, mental health care, unemployed people, housing, climate
- basic learning needs, special needs education, technological inclusion

1. From Protection to Needs and Rights of Vulnerable Groups

Human Rights and Social Inclusion of Vulnerable Groups

- Protection of vulnerable groups has been historically linked to protection of human rights.

- Some vulnerable groups have been object of specific international conventions, but their groups have not been the focus of States' standard-setting endeavors.
  - ➤ Women, children, refugees, displaced or stateless persons, minorities, indigenous peoples, migrant workers, disabled people, etc.

- New international, national and local instruments specifying actions and protection mechanisms are no longer included within the umbrella of human rights protection.

1. From Protection to Needs and Rights of Vulnerable Groups

- The 1948 Universal Declaration on Human Rights provides by far the most widely accepted definition of human rights, encompassing civil and political as well as economic, social and cultural rights, all sharing the principles of universality and indivisibility.

- Convention on the Elimination of All Forms of Discrimination against Women (1979)

- UN Declaration on the Rights of Indigenous Peoples (2007)

- There are other numerous international and national laws protecting specific vulnerable groups.

https://www.un.org/en/universal-declaration-human-rights/

2. Global, Regional, National and Local Policy & Legislative Frameworks

Photo credit: UN Photo/ Eskinder Debebe

2. Global, Regional, National and Local Policy & Legislative Frameworks

Global approaches to vulnerability

The Vienna Declaration and Program of Action of 1993 highlighted vulnerability

Human rights remain the basis for protection of vulnerable groups

It is acknowledged that vulnerable groups need extra assistance

Vulnerability cannot be tackled without the participation of those citizens that suffer it

2. Global, Regional, National and Local Policy & Legislative Frameworks

Global approaches to vulnerability

Since 1993, action on vulnerability has increased at supranational level, in both the UN and other international frameworks
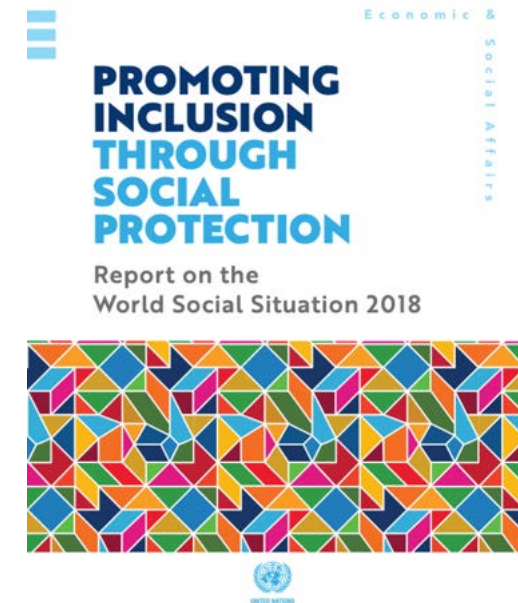
The 2030 Agenda and SDGs

2. Global, Regional, National and Local Policy & Legislative Frameworks

Global approaches to vulnerability

- The **UN DESA Report on the World Social Situation 2018** examines the contribution of social protection to social inclusion, focusing on seven often disadvantaged, groups: children, youth, older persons, persons with disabilities, international migrants, ethnic and racial minorities, and indigenous peoples.

PROMOTING INCLUSION THROUGH SOCIAL PROTECTION
Report on the World Social Situation 2018

Economic & Social Affairs

https://www.un.org/development/desa/publications/publication/2018-world-social-situation

2. Global, Regional, National and Local Policy & Legislative Frameworks

Global approaches to vulnerability

The Report mentions three conditions which must be fulfilled:

1. **Availability**: In recent years, many low-income countries have rapidly expanded access to social protection, mainly through tax-financed programmes. Some of these are grounded in solid legal frameworks.
2. **Access**: Even in a policy framework grounded in universalism, however, certain segments of the population face greater challenges than others in overcoming poverty and social exclusion. Special measures may be necessary. Targeting is widely used to reach those individuals and groups most in need.
3. **Adequacy**: If social protection systems are to make a meaningful impact on inclusion, many countries will need to increase investments in social protection and sustain such investments through economic cycles.

2. Global, Regional, National and Local Policy & Legislative Frameworks

Global approaches to vulnerability

- **The Open-Ended Working Group on Ageing** was established by the General Assembly by resolution 65/182 on 21 December 2010. The working group will consider the existing international framework of the human rights of older persons and identify possible gaps and how best to address them, including by considering, as appropriate, the feasibility of further instruments and measures.

United Nations | Department of Economic and Social Affairs

11th General Assembly Open-ended Working Group for the purpose of strengthening the protection of the human rights of older persons

29 March - 1 April 2021
UN Headquarters, New York
Watch live: webtv.un.org
Get details: bit.ly/OEWG11_OlderPersonsRights

#UNGA #OEWG11 #Standup4HumanRights

https://social.un.org/ageing-working-group/

2. Global, Regional, National and Local Policy & Legislative Frameworks

Global approaches to vulnerability

- The **World Programme of Action for Youth** (WPAY) adopted by the United Nations General Assembly in 1995, provides a policy framework and practical guidelines for national action and international support to improve the situation of young people around the world. The WPAY covers fifteen youth priority areas and contains proposals for action in each of these areas.

https://www.un.org/development/desa/youth/world-programme-of-action-for-youth.html

2. Global, Regional, National and Local Policy & Legislative Frameworks

Regional approaches to vulnerability

- The **European Court of Human Rights (ECHR)** is increasingly referring to vulnerability.

- The **American Regional Conference on Migration** has adopted regional guidelines applying for migrant populations in vulnerable situations.

- The **African Union** has created a Social Welfare and Vulnerable Groups division.

- The **Asia-Pacific Economic Cooperation organization** has initiated work on vulnerability.

- The **ASEAN** has created a Regional Risk and Vulnerability Assessment.

2. Global, Regional, National and Local Policy & Legislative Frameworks

National approaches to vulnerability

In general, **typical/traditional** approaches at the national level include:

➢ Ensuring political attention and policy focus by the government on vulnerable groups
➢ Ensuring that social protection is inclusive
➢ Improving human rights situation
➢ Ensuring participation and access to justice for vulnerable groups
➢ Setting-up and institutionalizing mechanisms for direct engagement of vulnerable groups

2. Global, Regional, National and Local Policy & Legislative Frameworks

National approaches to vulnerability

UK National Children´s Bureau	direct engagement with vulnerable groups, general principles for action, direct contact with other bodies and institutions when needed (coordination and action)
India Framework for Climate Change Vulnerability Assessment	identification of new vulnerabilities, in this case related to climate change; establishment of practical methods and tools to be adapted to concrete situations.
Philippines Social protection for inclusive growth	based on multi-stakeholder engagement and proactive answer to vulnerability (e.g. identification of the near poor, enhancing social protection and insurance and setting up convergence mechanisms)

2. Global, Regional, National and Local Policy & Legislative Frameworks

Local approaches to vulnerability

Typical practices at the local level include:

➢ Local health care programmes

➢ Social housing programmes

➢ Inclusive monitoring programmes on discrimination of vulnerable groups

➢ Making digital communication, including for education, available for all

2. Global, Regional, National and Local Policy & Legislative Frameworks

Local approaches to vulnerability

- In **Central African Republic**, local initiatives to overcome disease outbreaks have been successful

- In **Sri Lanka**, village child rights monitoring committees have been created to ensure that they are respected

- In **Toronto (Canada),** the Community Housing Authority uses the city´s definition of vulnerability as a basis to interact with residents

3. Areas of Limitations & Need for Innovation

3. Areas of Limitations & Need for Innovation

- Not all traditional policies and legislative frameworks are fully adapted to address the **dynamically evolving needs** of vulnerable groups

- In addition, these frameworks need to **transform** to accommodate the changing contextual environments – e.g. changing industrial structure, urbanization, informatization, etc.

- No clear defining of the role of each stakeholder such as civil society organizations, private sector, vulnerable groups, local communities, etc. for social inclusion and lack of meaningful engagement with other stakeholders

- Lack of means of effective implementation

3. Areas of Limitations & Need for Innovation

Legislative frameworks are slow to innovate

- Traditional, formal legislative/policy instruments are important but slow in adapting to new circumstances
- Societies are increasingly complex and <u>informal institutions</u> like networks, virtual and real communities, and partnerships play an increasing role
- Such informal institutions can help accelerating innovation while the legislative framework will catch up later because it takes more time.
- Informal institutions require strong, adaptive and innovative government, to ensure checks and balances, and justice for all

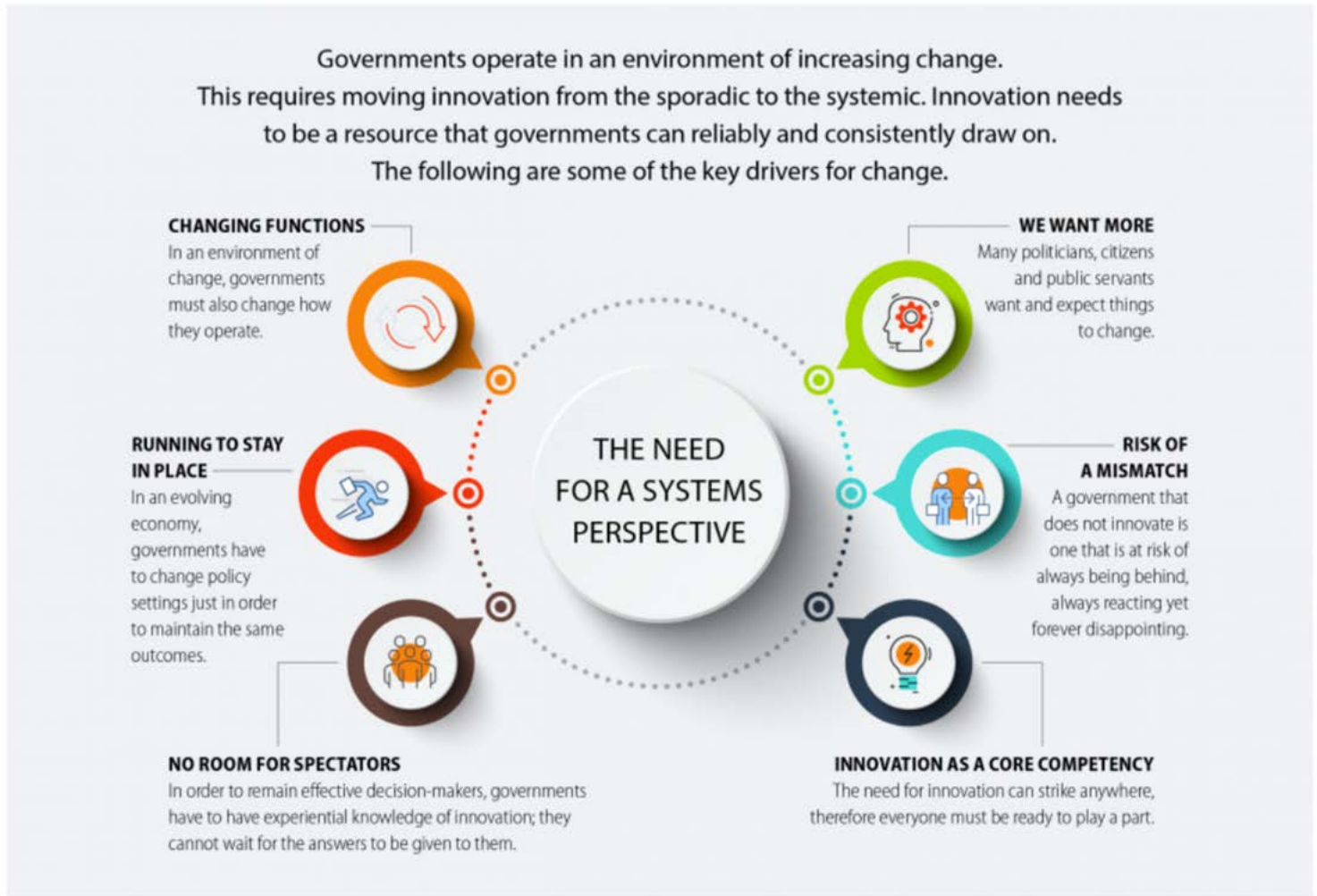# 3. Areas of Limitations & Need for Innovation

Innovative approaches in public service delivery

- Current government innovations are often focusing on digitalization, use of frontier technologies, ID registration, e-government, etc.

- In addition, <u>people-centered public services</u> are needed to overcome gaps and address vulnerability. This means:
  - Designing public service delivery around the needs of people rather than the organizational structure of the government
  - Understanding people's needs and striving for people satisfaction
  - Moving from governing for people to governing with people
  - Turning people into partners, collaborators and co-creators of public services.
  - Focus on creating external value for the citizens

3. Areas of Limitations & Need for Innovation

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Group Work

Group Work (1)

SWOT analysis of the existing legal and policy frameworks

30'

SWOT ANALYSIS

| Strengths | Weaknesses |
| Opportunities | Threats |

Group Work (1)

SWOT ANALYSIS

| Strengths | Weaknesses |
| Opportunities | Threats |

Then, discuss in your group:

- ➢ Based on the SWOT analysis, what changes do you think should be made in your legislation, regulatory and policy frameworks?
- ➢ What other points from the SWOT analysis could be added to the Action Planning to be further developed during the Module 12?

Group Work (2)

Video & Group Discussion

The role of non-governmental actors in the current policy & legal frameworks on vulnerability

30'

The video (11 min.) gives a powerful example of how communities in Somalia are trying to solve local conflicts and build peace by bringing people from all segments of society together at traditional community assemblies, or "Shirarka". These events involve representatives from all clans and sub-clans as well as women, young people, professionals, elders, and religious leaders and strengthen people's capacity to become active peacemakers in their communities.

Source: Berghof Foundation: Building peace in Somalia
https://www.youtube.com/watch?v=TZOcyPrt3zE&feature=youtu.be

Group Work (2)

Video & Group Discussion

The role of non-governmental actors in the current policy & legal frameworks on vulnerability

Discuss below questions in your group:

- Which ideas or insights do you want to share after having seen the video?
- For which vulnerable groups in your country would a local community approach, in partnership with other actors, including some role for government, deliver solutions for vulnerable groups?
- What is the role of government in this case? Is there a need to innovate legislation or policies to enable other actors' participation in improving social inclusion of vulnerable groups?

Background Materials

Key Readings	• Selected multilateral instruments for the protection of vulnerable groups: https://www.un.org/esa/socdev/enable/discom600.htm • UN General Assembly, *Vienna Declaration and Programme of Action*, 12 July 1993, A/CONF.157/23. https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx • UN ECLAC (2018), *Towards a regional agenda for inclusive social development Bases and initial proposal*, https://www.cepal.org/sites/default/files/events/files/s1800661_en_0_0.pdf • World Bank (2019), Inclusion Matters in Africa, https://openknowledge.worldbank.org/handle/10986/32528 • UNDP (2020), The second webinar of the Webinar Series on The State of Social Assistance in Africa https://socialprotection.org/discover/blog/legal-frameworks-social-assistance-african-countries • UNESCO (2012), Background Note by Babken Babajanian and Jessica Hagen-Zanker, *Social protection and social exclusion: an analytical framework to assess the links*, http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/SHS/pdf/Workshop-Social-Inclusion_ODI.pdf • OECD (2014), Professor Marguerite Mendell, Concordia University, Canada, IMPROVING SOCIAL INCLUSION AT THE LOCAL LEVEL THROUGH THE SOCIAL ECONOMY: Designing an Enabling Policy Framework. https://www.oecd.org/employment/leed/Improving-Social-Inclusion-Capacity.pdf • DFID (2010), London, UK, 97 pp. The Politics of Poverty: Elites, Citizens and States: Findings from ten years of DFID-funded research on Governance and Fragile States 2001-2010 • Bea Cantillon, Paula Ploscar (2012), SOCIAL INCLUSION AND SOCIAL PROTECTION IN THE EU: INTERACTIONS BETWEEN LAW AND POLICY (ISBN 9781780680569)
Further Readings	• Governance and Social Development Resource Centre - Inclusive legal and regulatory frameworks https://gsdrc.org/topic-guides/inclusive-institutions/approaches-interventions-and-tools/inclusive-legal-and-regulatory-frameworks/ • International Organization for Migration (2014), Regional guidelines for the preliminary identification and referral mechanisms for migrant populations in vulnerable situations http://portal.rcmvs.org/sites/default/files/publicaciones/lineamientos_ingles_cambios-disco.pdf • Toronto Community Housing (2014), Vulnerability Definition Policy and Vulnerability Operational Guideline, Resident and Community Services, https://www.torontohousing.ca/about/Documents/Board%20Approved%20Policy%20-%20Definition%20of%20Vulnerability%20-%20Dec%2016%202014.pdf

End of Module 4