

2018
**Social
Protection
Conference**
KENYA



Policy, Legislation and Coordination in Social Protection

**Subject: Policy, Legislation And
Coordination in Social Protection**

Presenter: Mawutor Ablo

Date: 22nd March, 2018

Presentation Context



Social Protection Policy, Coordination and Law:

- A state must have a vision (policy),
- The need to implement the vision (coordination mechanism since SP is intersectoral etc)
- The need to make the system accountable and right based (requires laws).
 - This does not need to follow this order, as sometime policies comes later and the vision is built based on flagship programs.
 - It is iterative rather than a linear and sequenced process
- Eg. SP strategy – LEAP Flagship programme – SP Policy – Law
- Politics plays a critical role in the emergence of social



Social Protection Policy



Introduction:

- SP assumed increasing importance as a priority on the Global Policy agenda from early 2000s
- As follow up strategy in the post-Structural Adjustment environment, the PRSPs and other efforts that emerged to address the social costs, persisting poverty, to address myriad developmental challenges and promote sustainability
- With Development Agencies providing much support:
- *The ILO (2014) “The lack of access to SP constitutes a major obstacle to economic and social development. Inadequate or absent social protection coverage is associated with high and persistent levels of poverty and economic insecurity, growing levels of inequality, insufficient investments in human capital and human capabilities, and weak aggregate demand in a time of recession and slow growth.*



Social Protection Policy



Introduction:

- SP is slowly and steadily becoming more systematised in many developing countries
- Policies and Legal frameworks are widely considered to be very crucial for the creation of Social Protection systems.
- While the National Policies and strategies can help institutionalise SP, Legal frameworks help formalize the rights base for social protection.
- The **importance and role of Policies** is what should engage our attention.



Social Protection Policy



Introduction

- SP addresses multiple vulnerabilities (through conditional and un-conditional cash transfer programmes, in-kind transfers, productive safety nets, productive inclusion among others)
- Efforts had been mostly reactionary (ad-hoc) than holistic, integrated planned interventions to address identified challenges. Mostly un-coordinated, stand-alone interventions
- These interventions were implemented with varying degrees of success and failures
- ***“Social protection strategies are a crucial element of effective policy responses to adverse economic conditions, addressing not only vulnerabilities caused or exacerbated by recent crises but also increasing preparedness to future uncertainty” (UNICEF).***



Social Protection Policy



Key Policy Formulation considerations

- Realizing the importance and contribution of social protection to overall social development, there was a move to developing holistic social protection approaches
- SP policy formulation thereafter was advocated in several developing countries particularly in Latin America, then Asia and increasingly Africa
- Within the country context, policies provide frameworks to deliver SP holistically, coherently, targeting effectively and efficiently addressing challenges facing the poor and vulnerable:
 - *Reduce the vulnerability of low-income households with regard to consumption and access to basic services;*
 - *Allow for better consumption smoothing over the lifecycle for all households and, consequently, for more equal welfare distribution of households; and*
 - *Enhance equity particularly with regard to addressing the exposure to shocks and the effects of shocks.*



Social Protection Policy



Key Policy Formulation considerations

- Policies are and should be based on analysis and development of strategies to address identified issues and challenges
- In some country contexts, policy development has been preceded by a rationalization study of existing SP interventions to determine their efficiency and effectiveness in reaching the desired targets; the costs; the actual beneficiaries versus the intended beneficiaries; the requirements; and the gaps; therefore required actions
- In the light of the SDGs, SP becomes even more urgent, and must be understood from both the preventive as well as curative dimensions (SP initiatives should not only be protective, but also preventive, promotive, transformative and empowering).
- Tendency to focus on the extreme poor and vulnerable often neglecting those just above the poverty line who when left unattended to will fall below it)



Social Protection Policy



Key Policy Formulation considerations

- **Need to identify categories of poor and vulnerable:**
- **The chronically poor:** such as the severely disabled; terminally ill; rural unemployed; urban unemployed; subsistence smallholders
- **The economically at risk:** including those in vulnerable employment food crop farmers, persons on the street (children, young persons and people in working age and older persons), internally displaced persons, orphans, informal sector workers, widows, older persons and migrants
- **The socially vulnerable:** consisting of PLWHiVAs, tuberculosis sufferers, victims of domestic violence, homeless persons, street people, internally displaced persons, female headed households etc
- SP policy must be anticipatory - provide guideline for addressing future trends and direction and helps focus on key issues

Social Protection Policy



Key Policy Formulation considerations

- Need for participatory policy formulation processes including consultation of key stakeholders at all levels (public, private and NGO/CSO sectors at National, Regional/provincial, decentralized and community levels)
- Participatory processes be adopted from “issues identification” stage to policy validation stage
- Policy may provide for Flagship Interventions, complemented by other programmes (eg. Ghana Social Protection Policy adopted a primary focus on cash transfers around which the agenda is implemented)
- Provision for policy consistency checks to realign with other social development
- **Participatory and independent policy implementation review by non state actors**



Social Protection Policy



Key Policy Formulation considerations

- **Policy responded to the Social Protection Floor recommendation to identify and address the gaps in social Protection for all categories of vulnerable persons.**
 - Access to basic essential health care for all, with particular attention to maternal health, children
 - Minimum income security to access the basic needs of life for children
 - Minimum income security for people in working age
 - Minimum income security for older persons
- Policy should support complementarity of Social Protection Interventions

Social Protection Policy



Key Policy Formulation considerations

- Policy Definition within the country context.

Ghana

- *“a range of actions carried out by the state and other parties in response to vulnerability and poverty, which seek to guarantee relief for those sections of the population who for any reason are not able to provide for themselves”.*
- Social Protection should aim at creating an all-inclusive and socially empowered society through the provision of sustainable mechanisms for the protection of persons living in situations of extreme poverty and related vulnerability and exclusion.



Social Protection Policy



Key Policy Formulation considerations

- The following features of SP should be noted:
- SP has a **protective** function when measures are introduced to save lives and reduce levels of deprivation in a society.
- SP has a **preventive** function because it seeks to assist people from falling into deeper poverty or becoming vulnerable to risks and contingencies arising from natural disasters, crop failure, accidents and illness.
- The **promotive** function of social protection aims to enhance the capabilities of individuals, communities and institutions to participate in all spheres of activity.
- The **transformative** function focuses on reducing inequities and vulnerabilities through changes in policies, laws, budgetary allocations and redistributive measures.
- Social protection also has a **developmental and generative** function



Social Protection Policy



Key Policy Formulation considerations

- Ghana's Social Protection Policy development is iterative.
- SP strategy was developed with the LEAP Flagship Programme alongside others
- Rationalization of Social Protection
- SP Policy development which adopted a consultative approach at all levels
- A Policy which adopted the social protection floor concept with protective, preventive, promotive, transformative components
- Policy promoting complementarity of SP Interventions

(Hh on LEAP, Nat. Health Insurance, LIPW, Educational Support School Uniform & Exercise Book, Capitation Grant and now productive & Financial Inclusion)



Coordination of Social Protection Policy Implementation



Policy Coordination in Implementation

- SP Interventions are complementary and must be implemented in a holistic manner and not fragmented, addressing varying dimensions of Poverty: Health, Educational and Human capital development, Livelihoods and productive issues
- Coordination must be at National, Regional /provincial, District and community levels
- Component/Programme Level coordination (Registry and database for all interventions, CT ; Health; Education and Livelihood/Productive and Financial Interventions) require coordination of plans and Budget
- **Behaviour Change Intervention Component Beneficiaries for SP Very Central**
- Coordination among providers in Public, Private and NGO sectors
- Not advisable to create new structures but rather restructure and strengthen existing institutions



Coordination of Social Protection Policy Implementation



Policy Coordination in Implementation

- **At the national Level:** There is the need to have a coordination Ministry to coordinate across sectors (**Discussion to identify key sector to coordinate**) and develop the coordinating mechanism:
 - Policy guidance & strategic direction; Resource mobilization; budget and project/programme activities; Design, (norms, regulations, manuals standards, protocol) provide technical advise
- **Regional/Provincial Level:** Coordination of plan implementation, training, supervision , monitoring, reporting, targeting,
- **Local, District Level:** Decentralized level structures to be hosted by the Ministry /service responsible for local government issues.
- To ensure and sustain implementation, social protection issues should be mainstreamed into the medium-term and annual work-plans and budgets of local authorities



Coordination of Social Protection Policy Implementation



Policy Coordination in Implementation

- Involvement of key stakeholders (districts staffs, community members and leaders, CSOs/NGOs) in key activities such as targeting, registration, case management and grievance redress, Monitoring
- Reward system (training materials, manuals, recognition of best performance, promotion materials etc.)
- Training with certificate to community workers



Coordination of Social Protection Policy Implementation



Policy Coordination in Implementation

- **Ghana**
- **Ministry of Gender, Children and Social Protection created as the Coordination Ministry**
- SP policy Interventions developed the coordination framework anchored in the policy
 - High Level Inter Ministerial Steering Committee
 - Sector Working Group (Public sector, Research and Academic, private, NGOs/CSOs etc)
 - SP Inter-sectoral Technical Committee- coordinating at the National level- joint planning budgeting
 - Regional Social Protection Monitoring Team (**Regional Planning Coordination Unit**)
 - **District SP Committee (District Planning Unit) supervised by the OHLGS**
- **Community Social Protection Committee.**
- Agreed coordination framework incorporated in the Law making in progress



Social Protection Legislation



The Importance of Social Protection law

- A review of pieces Legislations on Social Assistance and SP programmes from, African and Latin American countries (Seychelles, Kenya, South Africa, India, Mauritius, Brazil) reveal that, the main features of legislations providing for social assistance are:
 - the identification of the categories of people who should qualify; the qualifying criteria; linkage of social assistance with complimentary services, financing sources, the process by which those deemed eligible must lodge the application; the administrative arrangements / responsibility of the administrative system, the consequences of incorrect or fraudulent claims, the right to appeal a decision and the powers of the relevant Minister, especially that of providing for Regulations, framework for coordination etc.



Social Protection Legislation



The Importance of Social Protection law

- In view of the vital role of SP in addressing multiple vulnerabilities efforts should not end at Policy Level (does not ensure right)
- To ensure the permanence, predictability and transparency in the implementation of SP programmes a Legal framework is required to enable rights-holders to enforce their entitlements to social protection benefits.
- SP Legal framework is determined by the extent to which the constitution of a country provides for social protection rights.
- The legislation outlines the eligibility criteria for the SP support, requirements for application, administrative arrangements for delivery, implications for those who may incorrectly access the support, arrangements for appeal and the powers of the relevant

Social Protection Legislation



The Importance of Social Protection law

- Legislation is required to anchor and sustain the efforts and secure social protection from elite capture and political capture
- LF may make provision for income support + developmental aspect of SP.
- Having a law ensures SP as rights-based and promotes equity
- Provides legislative authority and provide for progressive realization of social protection as an economic right
- Makes policy implementation actionable, identifying eligibility and providing a basis redress
- Sets expected standards of performance for government and other actors and provides sanctions and secures resources irrespective of changing political authorities





The Importance of Social Protection law

- Law has significant impacts on incomes, equitable development and increased access to social services for the extreme poor and vulnerable.
- Law outlines the institutional arrangements and structures for coordination at the national and sub-national levels. (Ministerial Council in Brazil)
- Pieces of Legislation on various SP interventions need to be put together into a single legislation. (consistency checks must be done).

