

Framework 2018

Gender-responsive public services





Sisters, Nepal

PHOTO: NAYANTARA GURUNG KAKSHAPATI/ACTIONAID

This framework was updated in June 2018 by the GRPS Working Group following the first meeting of ActionAid's International Platform on Civic Participation, Tax Justice and Gender Responsive Public Services held in Arusha, Tanzania in February 2018. We acknowledge the excellent work of the **original GRPS taskforce** (Ojobo Atuluku, Garrett Pratt, Melanie Hilton, Lillian Matsika, Nasir Aziz, Karen Ansbaek, Tanvir Muntasim, Savior Mwambwa, Marcelo Montenegro and Ene Obi) who produced the initial framework in June 2016. This revision was drafted by David Archer with the support of the **new GRPS Working Group**: Alhassan Sulemana, Amina Issa, Aminata K. Lamin, Andre Ndereyimana, Anjana Luitel, Asmara Figue, Chipiwa Chifamba, Corinne Reier, Dakcha Acha, Desmond Kanneh, Devendra Pratap Singh, Emma Pearce, Fanta Jatta Sowe, Harriet Robina Gimbo, Hendrik Rosdinar, Julie Juma, Karen Ansbaek, Karoli B. Kadedge, Laban Onisimus, Lin Yaung Oo, Lucy Ojiambo, Marcelo Montenegro, Margaret Brew-Ward, Maria Ron Balsera, Natalie Valaki, Natercia Lichuge, Nathaly Soumahoro Nguyen Phuong Thuy, Nuzhat Jabin, Rungtip Imrungruang, Ruth Obwaya, Sergio Costa Floro, Sotiria Kyriakopoulou, Tanveer Kazi, Tasallah Chibok, Tauhid Ibne Farid and Uroosa Khatti.

COVER PHOTOS:

TOP LEFT: Privilage Mudoti - Nurse, Zimbabwe. PHOTO: SAMANTHA REINDERS/ACTIONAID

TOP RIGHT: Chipo, 12, Zimbabwe. Clean water prevents diseases and reduces the burden of the unpaid care work carried by women and girls. PHOTO: SAMANTHA REINDERS/ACTIONAID

BOTTOM LEFT: Girls' Forum participants in Kenya. PHOTO: ALICE WHITBY/ACTIONAID

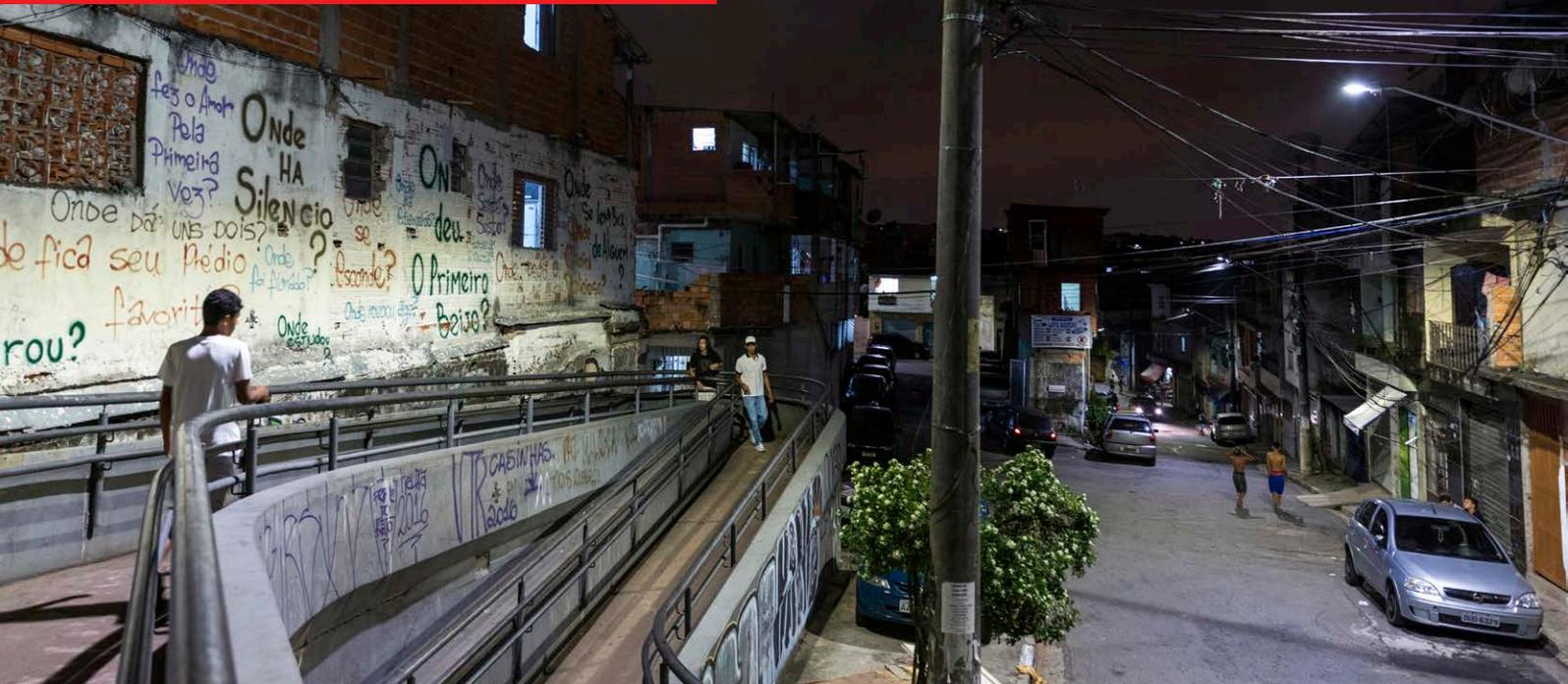
BOTTOM RIGHT: In Abuja, Nigeria, public transport from the outskirts can be expensive, busy and without shelter or lighting, dangerous. PHOTO: WALE ELEKOLUSI/ACTIONAID

Contents

A. Introduction	4
B. Core elements of Actionaid's GRPS	7
1. Publicly funded services - the 4 Ss	7
1.1 The share of budgets	8
1.2 The size of Budgets	9
1.3 The gender sensitivity of budgets	11
1.4 The scrutiny of spending	13
2. Publicly delivered and universal services	15
2.1 Why public delivery?	15
2.2 Effective public delivery	16
2.3 Accountable public systems	18
2.4 Decentralised public delivery - with a strong redistributive centre	19
2.5 Challenging privatisation and commercialisation	20
3. Gender equitable and inclusive public services	22
3.1 Free from discrimination and sexism	22
3.2 Safe services	23
3.3 Inclusive processes for inclusive public services	24
4. Quality - based on human rights standards - the 4 As	26
4.1 Available	26
4.2 Accessible	28
4.3 Acceptable	28
4.4 Adaptable	29
C. How we work	31

Neighborhood of Heliópolis, São Paulo, Brazil. The neighborhood received the first 100% LED light system of the city after a group of women and UNAS (local NGO partner of ActionAid) requested a new illumination system from the town hall, to make the streets safer, specially for women. March 11, of 2017.

PHOTO: FABIO ERDOS/ACTIONAID



Introduction

ActionAid is committed to advocating for justice and human rights for all, prioritising work with women living in poverty. Inspired by feminist principles, ActionAid takes an intersectional approach, recognising that public services should meet the needs and priorities of people based on their gender, age, disability, ethnicity, sexual orientation and social context. ActionAid has found that, for many women living in poverty, access to good quality public services is an important route to better lives for themselves and for their communities. Conversely, where public services are not gender-responsive the burden of women's unpaid care is increased, inequality exacerbated and poor and excluded women face a major barrier to enjoying their rights.

Improving public services is vital to progress on the fulfilment of girls' and women's rights: to education, to health and sexual and reproductive services, to water and sanitation, to childcare, to transport, to bodily integrity and many more. Public services have the potential to create more equal societies, countering social and economic inequalities. Yet all too often, services are under-resourced and inadequate; they do not fulfil women's and girls' human rights but instead reproduce or perpetuate exclusion and injustice.

This paper explains the different dimensions essential for providing gender-responsive public services, based on a framework that can be applied across countries, sectors and services. This framework is intended to be a common reference point for ActionAid and partners: to explain what we mean by gender-responsive public services, to guide analysis and to focus our action, research and advocacy efforts.



Campaigning to stop tax dodging in Malawi.

PHOTO: ACTIONAID

Opportunities to improve service quality are enabled or constrained by processes of decision-making on public services, and these are shaped by **visible, invisible and hidden power...**

The framework analyses the governance and delivery of public services from a justice-based human rights perspective. In ActionAid's experience, shortcomings in the quality and responsiveness of public services are usually symptoms of their governance and underlying issues of power. Opportunities to improve service quality are enabled or constrained by processes of decision-making on public services, and these are shaped by visible, invisible and hidden power:

▶▶ **Visible Power: observable decision-making**

The formal rules, laws, structures, authorities, institutions and procedures of decision-making. Most government reform and advocacy strategies deal with this visible, definable face of power by addressing institutional biases, closed processes and discriminatory laws.

▶▶ **Hidden Power: setting the political agenda**

Refers to the behind the scenes ability of vested interests (e.g. powerful corporates) to maintain their influence by controlling who gets to the decision-making table and what gets on the public agenda. These dynamics exclude and devalue the concerns and representation of less powerful groups, like poor women.

▶▶ **Invisible Power: defining meaning**

The most insidious dimension of power because it influences people's values, beliefs and sense of self. Socialization, culture and ideology perpetuate patriarchy, exclusion and inequality by defining what is "normal" or acceptable. This form of power is what makes those who are excluded feel they are to blame for their predicament and prevents them from claiming their rights.

At its root, a gender-responsive public service identifies that males and females (and specific groups of women and those with different gender identities and sexual orientation) often have different *practical* and *strategic* needs and priorities for *what* services are provided, *how* they are financed and how they are provided:

Practical gender needs

These are the needs women identify in their socially accepted roles in society. Practical gender needs arise from, but do not challenge, gender division of labour and women's subordinate position in society. Practical gender needs are a response to immediate and perceived necessity, identified within a specific context. They are practical in nature and often concern inadequacies in living conditions such as water, healthcare and employment.

Strategic gender needs

These are the needs women identify because of their subordinate position in society. They vary according to context, related to gender divisions of labour, power and control, and may include issues such as legal rights, domestic violence, equal wages and women's control over their bodies. Meeting strategic gender needs helps women achieve greater equality and change existing roles, thereby challenging their subordinate position. They are more long term and less immediately visible than practical gender needs.

Gender-responsive public services should seek to address **both practical and strategic needs**. ActionAid's experience over 45 years in 45 countries has helped us to understand that, to achieve this, we need to ensure that public services are:

- 1. Publicly funded**
- 2. Publicly delivered and universal**
- 3. Gender equitable and inclusive**
- 4. Focused on quality, in line with human rights frameworks**

For each of these four core elements, this framework provides an explanation of what we mean, why it is important, an outline of key issues, some examples from ActionAid's work and some possible indicators.

ActionAid's experience is that improving public service governance and quality is a long journey. There is no single way to reach ideal public services for everyone, and public understanding of the destination is likely to evolve as economic and social circumstances change. Formal economic, social and cultural human rights standards and commitments acknowledge that governments must make the best possible effort to fulfil these rights, and that all countries have room for improvement. Individual countries start with very different levels of public service governance and provision, but civil society can always play an important role in shaping political dialogue around public services and pushing for more concrete action towards progressive realisation of rights.

ActionAid's human rights-based approach leads us to support people living in poverty and suffering from exclusion to become active agents, individually and collectively to demand change, supported by solidarity and by campaigning to challenge the structural causes of injustice. We recognise that, too often, underfunded and unresponsive public services reproduce the inequalities and injustices in society. Women are triply disadvantaged: they often pay an unfair proportion of their income in tax (owing to regressive systems that depend on VAT); they rarely have full access to the quality of public services their tax should pay for; and they experience expanded demands on their unpaid labour when society fails to provide key services.

For this reason, we work with our partners and allies to put forward a bold alternative vision: for fully resourced and gender-responsive public services that can play a transformative role in creating more just and equal societies.

...we work with our partners and allies to put forward a bold alternative vision: for fully resourced and gender-responsive public services that can **play a transformative role in creating more just and equal societies.**



Otolo primary school students in Ethiopia access clean water service that improved students' absenteeism during break time in need of drinking water. This is one of the three schools supported with clean water facility in the year. Almost 965 students and teachers benefited from the clean water service.
PHOTO: ACTIONAID

Core elements of Actionaid's **GRPS**

1. Publicly funded services – the 4 Ss

It is important that essential services are publicly funded, to ensure maximum possible access for the people who need them, and deliver on human rights frameworks and sustainable development goal (SDG) commitments.

For public funding, ActionAid considers the need to increase the 4 Ss:¹

1. The **share** of budgets spent on key public services
2. The **size** of government revenues overall (the domestic tax base and macroeconomic policies)
3. The **sensitivity** of allocations within each service (with a focus on equity)
4. The **scrutiny** needed to ensure that money arrives (especially in disadvantaged areas).

Action in any one of these areas without action in others can lead to gaps in public funding that will undermine public services.

-
1. This 4S framework was developed by ActionAid in relation to education, has been taken up by Education International and the Global Campaign for Education and endorsed by African Union Ministers of Education in April 2018. It is now being applied to other public services.

1.1: The share of budgets

As public service advocates we need to fight for an appropriate share of public resources for specific sectors, without losing sight of the bigger picture: an appropriate proportion of spending on public services overall.

For many years, civil society advocates in different sectors have argued for a greater share of national budgets to be allocated to their priority service. In some sectors there are suggested or established international benchmarks. For example:

- The Incheon Framework for Action recommends that – to achieve SDG4 - at least 15-20% of national budgets should be spent on **education**, and the Global Partnership for Education makes it an eligibility requirement for developing countries to maintain or expand their own spending on education towards or exceeding 20%.
- African Union countries committed to allocate at least 15% of their budget to **health** under the 2001 Abuja Declaration, and under the CAADP agreement to spend at least 10% of their budgets on agriculture (though in practice average spending on **agriculture** is half that).
- The ILO estimate spending on **social protection** needs to be between 2.9% and 5.2% of GDP, and the African Union Windhoek Conference called for 4.5% of GDP to be spent on social protection.
- Government Spending Watch uses a target of 1.5% of GDP for spending on **water and sanitation**.

While sector-based advocacy is important, as the budget share spent on a service indicates government commitment, it creates a risk of public service advocates scrambling between themselves for ascendancy. This means that they can be played off against one another, for example by suggesting that an increase in spending on health can only come by reducing spending on education, which can undermine solidarity between sectors. This means that it is important to build consensus across key public service sectors on fair budget shares for each.

There is of course some clear common ground between public service advocates. One obvious area relates to the percentage of national budgets that governments spend on **debt-servicing** – which is often given the first claim on any national budget. The Jubilee Debt movement achieved a breakthrough at the G8 in 2005 with debt cancellations for highly indebted poor countries. But underlying conditions that led to indebtedness were not addressed, and debt is once again on the rise. Indeed, developing country debt rose by 60% between 2013 and 2016 and is now at the highest level since 2004.² The International Monetary Fund (IMF) confirm that the number of low-income countries in debt distress has doubled from 15 to 30 in the past three years. In 2016, Malawi spent 19% of its budget on debt servicing, Mozambique and Zambia 15%, The Gambia 14%, Senegal 12% and Ghana an extraordinary 43% owing to falling commodity prices. When countries are spending a significant percentage of their national revenue on debt-servicing, this money is not available for public services. Building renewed movements to call for national and global action to challenge debt can be a common cause for public service movements.



Jennifer, 16, years old lives in a village in Upper West state, northern Ghana. She used to leave home at 6am and walk for an hour and 45 mins to school. When she left it was still dark and she walked alone. It's a quiet road and she doesn't pass any houses. She was frightened of being raped or killed. This was a violation of her right to safe access to school.

PHOTO: RUTH MCDOWALL/ACTIONAID

2. <https://jubileedebt.org.uk/press-release/developing-country-debt-payments-increase-by-60-in-three-years>

A second area of consensus can be found in relation to **military spending**, which often assumes a major percentage of the national budget. The worldwide average, according to the World Bank, is 24%³ - significantly higher than average spending on education, for example. Military spending is often high in countries that face no credible threats – yet few countries have been as bold as Costa Rica (who spend nothing). Comparisons between the number of soldiers employed in a country and the number of teachers or doctors can make powerful advocacy. The Women’s International League for Peace and Freedom note that, in 2015, \$1.6 trillion was spent on the military worldwide – a dramatic contrast with spending on fulfilling women’s human rights. They say ‘trillions on war and pennies for peace will only lead to violence’.

► **Indicators**

% of national budgets spent on key public services and trends over time.

% of national budgets spent on debt servicing and the military.



By reducing spending on debt servicing and the military, many countries could afford to significantly increase the share of national budgets for key public services. Where possible, common fronts should be formed between different public service advocates to agree on fair shares of national budgets for key public services so that messages are reinforced. We need to have strong, united positions when governments who have squeezed spending on services suddenly discover vast sums of money to, for example, bail out commercial banks after a financial crash.

1.2: The size of budgets

Even a fair share of a small pie is a small amount, so we also need action to address the size of budgets overall.

A primary means of providing publicly-funded services is to enhance domestic resource mobilisation, adopting a full range of progressive taxation measures so that those who have more pay more, and those who have less pay less. Tax policy design should actively seek to reduce income inequality but unless there are active efforts made to demand this, it will not happen. As things stand, the richest individuals and companies are often the best placed to avoid paying taxes and to lobby governments for tax rules that will favour them. Meanwhile, the IMF has tended to encourage governments to focus on taxes that are easy to collect, such as value-added tax (VAT), which means that women living in poverty pay proportionately more of their income to the treasury. The influence of big accountancy firms and corporate lobbyists will shape the nature of the tax regime unless civil society activists are well-informed and organised to demand a fair alternative.

In too many developing countries a low domestic tax base leaves inadequate national budget for public services. The Paradise Papers, the Panama Papers and LuxLeaks⁴ all reveal the extent to which aggressive tax avoidance is undermining the revenue desperately needed to fund public services. It is time for multinational companies to commit to fully transparent country-by-country reporting of their tax affairs and to pay fair taxes in the countries where they make a profit. Responsible corporates should not request or accept any harmful tax incentives (as defined by the IMF) such as tax holidays, and responsible governments should not offer such tax incentives in the first place. ActionAid estimates developing countries lose \$138 billion a year

3. <https://data.worldbank.org/indicator/MS.MIL.XPND.ZS?view=chart>

4. See: <https://offshoreleaks.icij.org/>

in urgently needed tax revenue through harmful tax incentives, and many also lose revenue through unfair tax treaties.⁵ There is a strong case for renegotiating the most egregious of these.

Commitments to increase tax to GDP ratios must be linked explicitly to **tax equity**. This means ensuring that countries focus on creating *fairer* systems, for example by direct taxation of wealth, income and assets and removing tax incentives and exemptions benefiting large corporate actors. Urgent action is needed to eliminate tax loopholes and improve enforcement, and this will involve strengthening the capacity of national revenue authorities. This ought to be a priority for donor aid budgets – but rarely is (less than 0.1% of aid is used to strengthen revenue authorities even though this is shown to have dramatic returns – with one study showing that each \$1 in aid spent in this way yields \$350 in more funding for development).

International cooperation is also needed to set and enforce fairer **global tax rules**. This requires a more democratic and inclusive United Nations tax body with the resources to put in place fairer systems, so that the needs and voices of developing countries are heard. The OECD cannot be the source of all global rules in the years that come. It is also time to explore the possibilities of global taxes - for example on financial transactions, on international flights or on deposits held in tax havens – to generate international resources to support the achievement of the SDGs, particularly through investment in public services.

The size of government budgets does not depend only on the tax revenue collected. There are also fundamental choices that governments make over the **macro-economic policies** that they pursue. Despite some progressive research papers in recent years, the IMF still promotes a model based on limiting government spending and targeting low inflation and deficit. This leads to smaller overall budgets for governments, an imposition of austerity, and tight controls on spending on public services. There is increasing contestation of these policies, which can limit economic growth as well as progress towards fulfilment of the basic rights of citizens. Feminist macro-economists make powerful connections between these neoliberal policies and the increased burden on women's unpaid labour – and they make a strong case for governments to pursue more expansionary policies, using 'fiscal space' to invest in public services.

For example:

ActionAid Zambia and partners have conducted research and advocacy on tax incentives, mineral royalty tax, employee income tax etc. This led to the government embarking on tax reforms in these areas, which benefited low-income groups and increased corporate tax revenue.

ActionAid conducted research in eight African countries from 2005-2007 to show that public sector wage bill caps (imposed by the IMF in 50% of their loan conditions) were undermining progress towards globally agreed education goals. As millions more children enrolled in schools after successful civil society campaigns to abolish user fees, governments were unable to employ more teachers - so class sizes rocketed up and the quality of learning plummeted. After three years of research and advocacy the IMF backed down and removed wage bill caps as a condition of loans worldwide.

► Indicators

Total tax revenue raised over time

Tax to GDP ratios raised over time

Extent to which the tax burden is progressive (the more you earn the more tax you pay) or regressive



5. See *Mistreated: The Tax Treaties that are depriving the world's poorest countries of vital revenue*. ActionAid 2016

1.3: The gender sensitivity of budgets

*Increasing the share of budgets spent on key public services and the size of government budgets overall will not produce the transformations needed unless more attention is placed on the **sensitivity of allocations** within each sector. Targeted investments for the most marginalised can help create a more responsive and effective public system overall, but too often public service budgets privilege the elite rather than helping the most disadvantaged. Developing country governments need support to develop public service budgets that target equity and inclusion – focusing on girls and women, the poorest, people with disabilities, those affected by conflict or from minority communities that face discrimination.*

Budgets have the power to address **deep-rooted gender inequalities**.



Farness, Malawi: early child care is a priority area for expanding gender responsive public service provision.

PHOTO: KATE HOLT/ACTIONAID

Budgets have the power to address deep-rooted gender inequalities, and can transform social and economic relations of power, inequality and exclusion. Budgets that fail to be gender responsive will be likely to perpetuate gender inequality. In 1995 the UN Platform for Action recommended that “Governments should make efforts to systematically review how women benefit from public sector expenditure”. There is a long history of work on gender-responsive budgeting to draw on, from early experiments in Australia in the 1980s UN Women have produced many resources including practical training manuals.⁶

At a basic level a gender-responsive budget ensures that the needs and interests of individuals from different social groups (sex, age, race, ethnicity, location) are addressed in all aspects of public expenditure and revenue policy. A range of tools, approaches and strategies are used to monitor the outcomes, outputs, activities and inputs of budgets. One crucial step is to ensure that all information is disaggregated by gender and other key axes that drive exclusion and discrimination in the country, to identify the implications and impacts of policies for different groups, on households and individuals within households. This might include, for example, the impact on women’s unpaid as well as paid labour. ActionAid has extensive experience of using time-diaries to document women’s unpaid labour, and assess how different interventions help to reduce or redistribute women’s unpaid labour, or affect their capacity to secure decent work.

As a first step towards creating gender-responsive budgets, governments should analyse existing inequalities, asking:

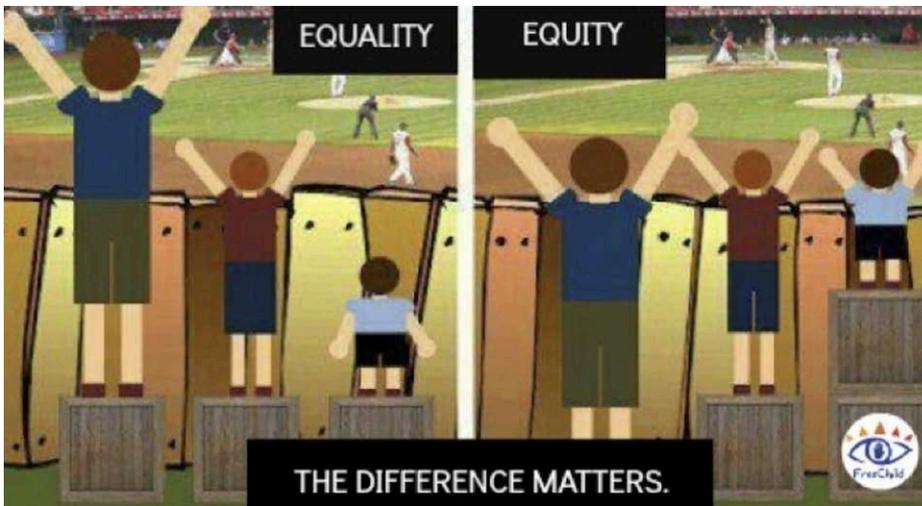
- What drives inequality in social, political and economic spheres, who is affected by this inequality, and how?
- Which national and international policy instruments foster equality, and how can these be incorporated into budgets and plans?
- How do existing public services affect males, females and those with other gender identities?

Critical to the reflection-action cycle of gender-responsive budgeting is public participation –especially of marginalised groups – in budget discussions, allocation and monitoring. Reflection needs to be embedded into a country’s annual budget cycle, to incorporate assessment of changing social, cultural, economic and political dynamics around gender inequality.

6. <http://www.unwomen.org/en/digital-library/publications/2010/1/gender-responsive-budgeting-in-practice-a-training-manual>

Gender-sensitive budgeting will likely mean allocation of *more funds* to sectors that have an impact on women and girls (such as education, early childcare, health, safety and social welfare) - *and* - *more targeted* spending within each of these sectors. For example, in the field of education, greater investment in early childhood education can prove a powerful means to reduce women's burden of unpaid care work and give young girls from the poorest backgrounds a chance to start school on a more equal basis. Some interventions, for example those designed to prevent and respond to sexual violence, require multiple sectors to work together and therefore multi-sectoral budget allocations.

Gender equity is the first step towards **substantive gender equality**.



The cartoon illustrates how *the equal treatment of unequals* is much like *the unequal treatment of equals*. This means that governments must prioritise public services for marginalised groups and let this be their guiding principle in the budgeting process. This is crucial for achieving **substantive equality** (effectively, equality of outcomes) which is the preferred framing of human rights treaty bodies such as the Convention on the Elimination of Discrimination Against Women.

ActionAid has played an important role in promoting gender sensitive budgeting in many countries, for example:

- Supporting women to take an active role in local and national budget formulation processes and raising strategic questions on key public services with line ministries and ministries of finance.
- Documenting and analysing women's unpaid labour which interacts significantly with how public budgets are allocated and used.

► Indicators

Number and quality of participatory needs assessments carried out

Extent of involvement of marginalised groups (based on sex, religion, ethnicity, caste, class, disability and other gender identities) in planning and budgeting

Extent of disaggregation (by gender and other axes of discrimination) of local and national budgets

Evidence that the needs of marginalised groups are recognised in plans /budgets

Number and quality of affirmative action programmes to benefit women and other marginalised groups



1.4: The scrutiny of spending

Addressing the share, size and sensitivity of budgets will be of no value if the money does not arrive in practice. Too often budgets fail to arrive in the most disadvantaged areas of a country where public services are most urgently needed but where a lack of monitoring or accountability means funds go astray. Scrutiny is essential and effective scrutiny will involve active participation of citizens. The scrutiny of actual spending can be an entry point for citizens to engage in more strategic discussions about the sensitivity of allocations and the share and size of national budgets.

Citizen engagement in budget scrutiny can take many different forms:

- Disseminating user-friendly versions of each public service budget and carrying out independent budget analysis to allow civil society organisations to identify shortcomings in budget planning and allocation, and monitoring spending against commitments.
- Training organisations, associations or individuals to engage with budget work at local or national levels.
- Supporting budget tracking activities to uncover what is happening to the budget in practice in different districts or frontline services (such as schools or health centres).
- Identifying the reasons behind bottlenecks and blockages in spending channels to help improve efficiency.
- Consolidating and analysing data from national or local tracking exercises, to identify gaps in delivery of services and quantify the investment needed to achieve quality provision in line with human rights treaties and national commitments.
- Raising issues about underspending, exposing misuse of budgets, exposing corruption, pushing for remedial action, and taking corrupt officials to court.

► Indicators

Extent to which government budgets arrive at frontline services

Number of social audits / monitoring / scorecard exercises conducted in key public services

Number of public officials prosecuted for misuse of public funds



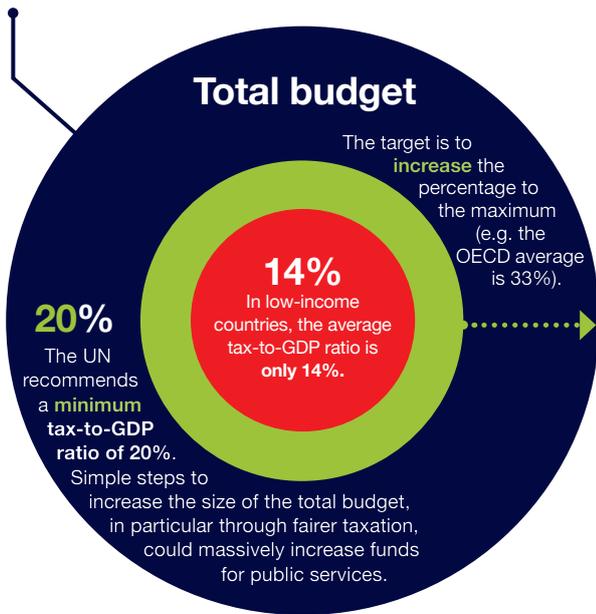
For example:

ActionAid Bangladesh has been engaged in education budget work since 2001, supporting school monitoring groups to develop school plans and alternative budgets, and building links with the government to meet groups’ requests. The school budget is often very small, with the biggest expenditure items centrally managed, which limits the opportunity for people to understand the budget process. With the support of local budget analysts (women and men), ActionAid trained groups on budget analysis, the links between school and national budgets, and education policy. The groups examined school assets (quality of buildings, teachers, size of classes, number of contact hours, etc) and then imagined their dream school. They could then identify the shortages and develop plans to fill the gaps. From this, school monitoring groups were able to prepare yearly plans for the school and demand the required budget from the local and national governments.

Using the 4Ss framework **in relation to education**

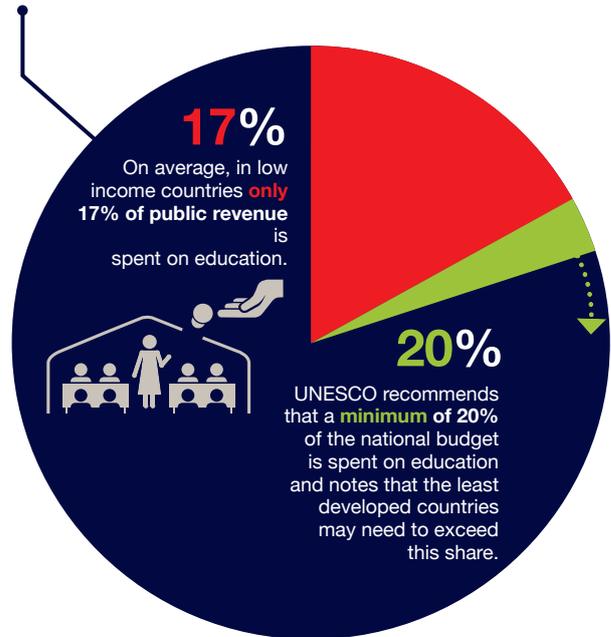
Size

The *size* of the budget is the total amount that the government has to spend. This depends on how much tax is collected and what economic policies are followed.



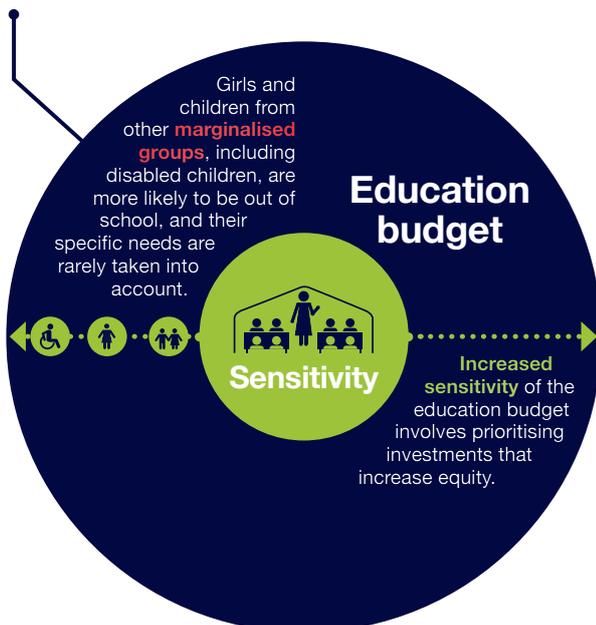
Share

The *share* of the budget is the percentage of the country's total budget that is spent on education.



Sensitivity

Sensitivity of the budget relates to the extent to which budgets and spending address educational inequalities.



Scrutiny

Scrutiny of the budget helps to ensure that the money allocated for a service arrives where it is needed.





A nurse from Wonjah clinic in Logan Town (outside Monrovia), stands with a sign provided by ActionAid and partners which describes symptoms of Ebola and actions to take.
PHOTO: SANDO MOORE/ACTIONAID

2. Publicly delivered and **universal services**

Public services should be delivered by the State, not privatised, and they should be available to all, equally.

2.1: Why public delivery?

*ActionAid places an explicit and clear focus on the role of governments in guaranteeing **universal public delivery of publicly-financed public services**. We actively work to challenge the privatisation of essential services as we can see the negative impact of such interventions on substantive equality and on rights.*

The state is the prime duty bearer for **delivering on human rights**

The State is the prime duty bearer for delivering on human rights, and play the central role in the universal provision of quality public services and infrastructure. This role and associated responsibilities are laid out clearly in a number of international human rights covenants and treaties, ratified by most countries and reinforced in many cases by national constitutions. Other actors may contribute some aspects of services, but the State remains the core guarantor of its citizens' rights. At the very least States must put in place effective regulation and monitoring of service providers.

Human rights law emphasises an absolute requirement to avoid discrimination in the fulfilment of rights. Direct state provision is usually more straightforward and effective

to achieve **universal and equitable** basic rights, which is difficult to guarantee in a context of diverse or fragmented providers. For marginalised and excluded groups, especially those deprived of public services, the State is the only actor they can hold to account. For-profit private providers rarely see a viable market in reaching these groups and not-for-profit providers fail to offer sustainable solutions or effective accountability. Universal and sustainable provision of key services is best achieved by the **direct intervention of government** to ensure effectively planned services that reach even the most excluded groups.

Some argue for ‘means-tested’ access to services, targeting free services at those least able to pay on the assumption that those with more resources do not need them. However, the impact of means-testing is too often regressive, requiring a bureaucracy to determine who should qualify and depending on people to ‘claim’ (and prove) their right to the free service. Corruption and inefficiency can further disadvantage the most excluded groups, who lack information about their entitlements and the means to claim them. In a world where over 750 million adults are not literate (two thirds of whom are women), the limits of means-tested systems are clear. For this reason, ActionAid’s focus is on **universal public provision** of services.

Though some rights will be realised progressively, for example where there are insufficient resources to fulfil them immediately, the principle of non-retrogression is fundamental: no government should move backward on the realisation of any right but they should allocate the **maximum available resources** to move forward and fulfil their obligations.

2.2: Effective public delivery

Effective public delivery of public services depends first and foremost on sufficient and predictable public financing (as outlined in section 1). However, there are a range of other factors to consider.

Public sector pay, decent work and union rights

It is impossible to run a quality public service when public sector workers are underpaid (let alone unpaid for long periods as happens in some contexts). Public sector workers should receive a living wage, commensurate with their training and experience and sufficient to maintain a dignified living. They should not need to take on second or third jobs to survive. Workers should have a right to unionise and their unions should have collective bargaining rights to ensure decent work as understood by the International Labour Organisation (ILO). Any disparities between the pay of women and men for equal work should be documented and challenged.

Human resource management

Effective public services should have effective human resource practices in place, resting on principles such as meritocracy, fairness and transparency. Staff should have initial and ongoing professional training, clear job descriptions and performance expectations, and receive feedback to improve performance. Recruitment and promotion should be based on merit, with objective standards and transparency in

► **Indicators**

Extent to which public services are universal or access is means-tested

Extent to which the State is the primary provider of public services / extent of presence and fragmentation of private provision



Public sector workers need decent pay and the right to organise.
PHOTO: ACTIONAID

decision-making in place. Public services can also apply affirmative action policies to ensure that public service staff reflect the diversity of the population, including a bias towards recruiting and training women and supporting them for promotion to decision-making positions. Gender-responsive recruitment and promotion policies can be a model of good practice for other employers.

Effective organisational structures and coordination

The public sector often faces challenges to organise complex service delivery across different contexts in a country. Some services require a range of providers to coordinate with one another, and this will require effective forums or structures to be put in place.

Financial management

Public services need to have systems in place to effectively assign budgets to specific units, for processing payments, producing financial reports, and internal auditing to uncover problems. Discussions on how financial resources should be spent can be undermined if these systems do not provide reliable information, or ensure that expenditure can be tracked and reported on a timely basis. Larger questions of accountability and transparent and gender-responsive budgeting also depend on these basic systems being in place and functional. This requires government investment in systems, personnel, training and audits.

Procurement

Purchasing goods or contracting services should be guided by globally accepted principles including: open competition; clear rules for sole-source contracting; integrity; transparency; and a right to recourse when bidders or others see wrong-doing.

Monitoring and evaluation

Public services are usually more comfortable reporting on activities than in defining and assessing outcomes and impacts. These challenges are in part political – public sector staff (and political leaders) are worried about the implications of measuring results as they may reveal weaknesses in delivery. Programmes to improve results-based management of public services should be encouraged. This presents opportunities to examine gender disaggregated results, and to highlight gender inequalities in outcomes. However, narrow results measures or targets that distort provision should be carefully avoided.

Values and ethics

Public services should have clear statements of the values and ethics expected of their own staff – with codes and disciplinary procedures to discourage practices such as influence peddling, private use of public property or conflict of interests. Public services should be encouraged to institute and implement these systems, and unions should be supported to develop and implement professional codes of conduct.

Gender mainstreaming and gender targeting

Public services should have explicit policies for gender mainstreaming, integrated into other management practices detailed above, and also have earmarked actions and interventions to end gender discrimination. Loading responsibility for gender mainstreaming on to special units without integrating it into the mainstream management of an organisation or service can be a tokenistic move that does not produce measurable results.

► Indicators

Level of public sector pay in different services (and link to level off training / experience)

Degree to which the right to unionise is respected in law and in practice

Clear structures for co-ordinating departments responsible for service delivery

Quality and transparency of procurement legislation and practice

Quality of professional training and effectiveness of performance management systems

Rigour of legislation and policy on influence peddling, private use of public property and conflict of interest – and extent of their application

Level of integration of gender responsiveness in governance management and performance systems



2.3: Accountable public systems

When accountability is weak, the quality of public services can deteriorate quickly. Therefore, improving accountability of a publicly delivered service can be a major priority and a key means for improving quality. ActionAid supports organised efforts by citizens and civil society organisations to strengthen accountability mechanisms, and to use accountability tools to improve public service delivery, good governance and development outcomes.

Individuals or departments delivering public services should be held accountable by elected officials, by other government departments and directly by the people who use their services. This combination of upward accountability (within a system, profession or sector) and downward accountability (to citizens) needs to be kept in balance. In too many cases one or both elements are weak. Inspection and monitoring systems at national or district level are under-resourced and local users and communities do not feel empowered to hold public servants to account. Political accountability cannot be reduced to elections every few years. People have a right to explanations and justifications regarding the management and distribution of public goods and services on a day to day basis.

Public accountability is only possible in a system that is transparent and where the public (as rights-holder) has the space and opportunity to hold their government (as duty bearer) to account. Action on the right to information can be a crucial element of accountability.

To strengthen accountability of public services, ActionAid supports partners to:

- Lobby their elected representatives to improve public services.
- Pressure local governments to make regular inspection visits to schools.
- Support communities to assess their local services (e.g. against a charter of core rights)
- Use community scorecards to rate local services.⁷
- Develop citizens' reports to bring local issues to national attention.
- Raise issues about underspending, misuse of budgets and corruption, including taking corrupt officials to court.

This work needs to include an explicit focus on gender equality, supporting partners to understand how standards apply to girls and women, especially within the most marginalised groups, supporting women and girl's participation in accountability mechanisms, and suggesting public service improvements that are prioritised by, and will impact on, women and girls.

For example:

ActionAid Nepal partners are using the Right to Information Act to counter corruption by local authorities, for example where officials ask people to pay to register land, even though the registration process is supposed to be free of charge.

In India, ActionAid supported citizens to take part in the social accountability process for the national rural employment guarantee scheme.

ActionAid Mozambique has promoted civil society complaint boxes and community scorecards, leading to successful exposure of corruption.

► Indicators

Level of clarity and comprehensiveness of standards for public service provision, including gender-disaggregated targets

Number and type of social accountability mechanisms implemented and level of women's participation.

Sanction mechanisms in place for poor performance or misconduct by service providers and enforced

Publication of regular audits on the financial and management performance of public services / agencies and extent to which these lead to appropriate corrective actions



7. see YouTube Public service for the poor: community score cards in Nepal <https://www.youtube.com/watch?v=XjiR5KJuOYI>

2.4: Decentralised public delivery – with a strong redistributive centre

So long as the centre plays a strong redistributive function, ActionAid views decentralisation as an opportunity to achieve a more inclusive mode of government, deepening democratisation and empowering local institutions and citizens to hold duty bearers to account for delivering gender-responsive public services. As such, ActionAid advocates for deepening decentralisation, and for implementing commitments to decentralisation.

Decentralisation entails the transfer of political power, decision-making and resources from central authorities to government at a **local level**. This implies increased autonomy and capacity to determine policy and use of resources locally, bringing the administration of public resources as close to the people as possible. Decentralisation reforms are promoted as a means of deepening democracy and downward accountability, improving the quality and effectiveness of the development process, and enhancing citizens’ participation in the governance mechanisms and development processes that affect their lives. Local political structures are often more accessible for women and people living in poverty than centralised ones.

Effective decentralisation depends on a **strong centre** that plays a sustained role in ensuring redistribution of resources to support equitable provision. Every country has an uneven geographic spread of wealth and poverty and when resources are decentralised inequalities can be entrenched. When tax-raising powers for local services are decentralised, this can exacerbate inequality with wealthy areas generating most income. What’s more the cost of extending services to those who are hardest to reach can be higher, so equal spending per person can perpetuate inequality and injustice. The fundamental redistributive role of the state is crucial – to make sure that national resources are shared fairly and targeted towards increasing substantive equality of outcomes.

When advocating for decentralisation, it is necessary to do so through a gendered lens. Decentralisation legislation and associated local governance procedures may also have important implications for gender equality. For example, in Kenya, the 2010 constitution put into force a ‘not more than two-thirds’ gender rule, meaning that no more than two-thirds of the members of public bodies (both elected and appointed) should be of the same sex. This gives a constitutional guarantee that women have one third of seats in places like county assemblies where historically they had little representation. The constitution goes further to obligate the government to develop and pass policies and laws, including affirmative action programmes and policies to address the past discrimination that women have faced.

For example:

ActionAid Kenya and allies advocated for decentralisation of key public services, which was accepted in 2010, shifting significant power to elected bodies at the county level for service delivery in sectors including health and education.

▶▶ Indicators

Local government bodies are democratically elected

Legislation on decentralisation exists, including fiscal decentralisation, gender equality, citizen participation, transparency and accountability to citizens

Local governments have authority and responsibility for public service provision

Central government fulfils its redistributive responsibilities and ensures local governments in disadvantaged areas have sufficient resources

Local and national government structures live up to legislation on civil society and citizen participation e.g. right to information, public hearings and social audits

Local planning and budgeting legislation pays close attention to persistent gender inequalities, gender biases and the different needs of men and women, boys and girls



2.5: Challenging privatisation and commercialisation

In recent decades there has been a tendency to dismantle public services and hand them over to private providers. Thirty years ago, most people took it for granted that water was a public good. Now there are places where water has been privatised. Health provision was once predominantly in the public domain but is now fragmented, increasingly driven by market forces and the charging of fees. Other services, such as education, are facing similar challenges after years of underfunding leave systems in crisis.

It seems irrational to expect that the private sector, with a mandate to generate maximum profit, could take responsibility for delivering quality public services - and basic rights - to all people, including those living in poverty. Yet this perspective has long been held by international financial institutions such as the IMF and the OECD and is now also emerging in the discussions of financing and implementation of the Sustainable Development Goals.

Current trends in privatisation, and their impact on the right to essential services, have been well documented,⁸ providing a clear warning that privatisation risks supplanting and undermining public services instead of improving them. It is ActionAid's experience that basic principles of human rights are often violated through privatisation. For example, the introduction of user fees in private schools not only violates the right to free education but also often leads to discrimination against girls, because parents tend to prioritise sending boys to school if they have to pay.⁹

The human rights principle of non-discrimination is inherently violated if only those who can afford to pay have access to a basic service. Fee-charging inevitably promotes structural exclusion of groups who are unable to afford fees, or who are too costly to reach (such as those with disabilities). When introduced into a system that was previously free, this goes against the principle of no retrogression in rights. The consequence is likely to be an entrenching and reinforcing of disadvantage and discrimination, leading to increasingly fractured and unequal societies. Even when services are maintained as free at the point of use, bringing for-profit companies into the running of essential services (under public-private partnerships or PPPs) creates a logic that sets profit against quality and universality. To keep profits up, costs have to be kept down, often by underpaying workers or undermining their professional status, for example by employing untrained teachers as a cheap workforce.¹⁰

There are many different forms of public-private partnership, where some part of a basic service are provided by the private sector with funds from the public purse. Though regulating private providers is a state responsibility, it is often unrealistic for developing countries to put effective regulation in place, or to fully enact it. The World Bank's World Development Report 2018 reinforces this point, observing that *'overseeing private schools may be no easier than providing quality schooling'* and that *'governments may deem it more straightforward to provide quality education than to regulate a disparate collection of providers that may not have the same objectives'*.

Thirty years ago, most people took it for granted that water was a public good. Now there are places where water has been privatised.



Activist and member of Reflect circle formed at the equity and reflect centre, Koirili village, Doti District, Nepal. Women's participation is crucial for ensuring public services are accountable and gender responsive.

PHOTO: POULOMI BASU/ACTIONAID

8. Protecting the right to education against commercialization - Report of the UN Special Rapporteur on the Right to Education, 2015
9. Protecting the right to education against commercialization - Report of the UN Special Rapporteur on the Right to Education, 2015, p. 10
10. EFA Global Monitoring Report 2015, UNESCO, p. 216

► Indicators

Local government bodies are democratically elected

Legislation on decentralisation exists, including fiscal decentralisation, gender equality, citizen participation, transparency and accountability to citizens

Local governments have authority and responsibility for public service provision

Central government fulfils its redistributive responsibilities and ensures local governments in disadvantaged areas have sufficient resources

Local and national government structures live up to legislation on civil society and citizen participation e.g. right to information, public hearings and social audits

Local planning and budgeting legislation pays close attention to persistent gender inequalities, gender biases and the different needs of men and women, boys and girls

This points to another fundamental problem with public-private partnerships: they often suffer from low transparency and limited public scrutiny, which undermines accountability and means that governments are failing in their obligation to guarantee rights. In the long run, public-private partnerships are often more expensive for governments than the direct delivery of public services, even if this needs to be financed by public borrowing.

Even institutions that were previous champions of PPPs have started to change their mind, based on the evidence. For example, the European Court of Auditors¹¹ recently questioned the economic viability of PPPs, flagging widespread shortcomings and limited benefits, resulting in vast sums of inefficient and ineffective spending. In addition, they found that value for money and transparency were undermined, in particular by unclear policy and strategy, inadequate analysis, off-balance-sheet recording of PPPs and unbalanced risk-sharing arrangements.

States' delegation of their obligation to provide essential services to for-profit providers may be contrary to their international and national human rights obligations. Strong regulation needs to be in place to ensure that private delivery of essential services does not violate state obligations and undermine human right. Thankfully, movements to resist unfettered privatisation are coalescing around the world.

For example:

ActionAid has been working with its allies in a human rights consortium against privatisation of education and has played a key role in collecting evidence of the damaging effects of privatisation for the Global Campaign for Education (see Private Profit Public Loss).¹² This challenges five myths around privatisation (relating to quality, affordability, access, efficiency and choice) and was followed up with a toolkit for education activists and campaigners (see Public Good over Private Profit).¹³

ActionAid has been working with human rights organisations to challenge the violation of international covenants related to privatisation of public services, e.g. through treaty bodies in Geneva that have censured governments in Kenya and Ghana over how privatisation is undermining the right to education. Consolidating learning from this, ActionAid is helping to developing Human Rights Guiding Principles on the Privatisation of Education.

ActionAid Liberia is at the forefront of advocacy efforts to stop the government from handing over the public education system to for-profit commercial chains. This is a relatively new phenomenon, marked most vividly by Bridge International Academies who seek to achieve a \$500 million annual turnover in the next ten years by providing education in Africa, targeting parents and children living in poverty. Challenging the **commercialisation and commodification** of public services is an important additional area of work that goes beyond resistance to privatisation and looks at how market forces and market logic can infiltrate public services.

11. <https://www.eca.europa.eu/en/Pages/NewsItem.aspx?nid=9700>

12. <http://www.campaignforeducation.org/en/news/global/view/684-private-profit-public-loss-gce-previews-its-new-report-on-low-fee-private-schools-in-nairobi-kenya>

13. http://www.campaignforeducation.org/docs/privatisation/Public_Good_Over_Private_Profit_TOOLKIT_EN.pdf

Nigerian teacher Abayomi Chahine works at a school with no electricity, water or working toilets. ActionAid campaigns for tax justice so that schools like this are properly funded.

PHOTO: TOM SAATER/ACTIONAID



3. Gender equitable and inclusive public services

ActionAid's framing of gender responsive public services focuses on women and girls, and takes an intersectional approach recognising the multiple dimensions of discrimination and exclusion that interweave in practice. This means that, as well as gender, we look at how inclusive and responsive services are for people with disabilities, in remote areas or from minority communities, people with non-heteronormative sexual orientation or gender identities or those affected by conflict.

3.1: Free from discrimination and sexism

Non-discrimination is an absolute human right in law, yet too often public services are plagued with discrimination and institutional sexism.

Institutional sexism refers to the way that an organisation's *cultures and systems* discriminate against women, based on the notion that women are inferior to men. Institutional sexism is the result of *explicit and implicit* rules and assumptions. In some cases, institutional sexism may be overt, but often it comes from ignorance and societal gender stereotyping that disadvantages women and leads to routine processes within government institutions that neglect women's needs and experiences.

Non-discrimination is an absolute human right in law, yet too often public services are plagued with discrimination and institutional sexism.

For instance, institutional sexism within the criminal justice system might lead to failure to investigate cases of gender-based violence. An institutionally sexist urban planning service would be less likely to employ women or apply gender analysis. This would allow the city to develop in ways that are unsafe for women such as not enough street lighting or public transport hubs far from women’s homes. Without gender analysis some services – such as childcare services or refuges for women escaping domestic violence – may not be prioritised at all.

Other forms of discrimination are, of course, widespread – whether this relates to the exclusion or mistreatment of Dalit children in India or Roma children in Europe. Linguistic minorities often face structural challenges in accessing public services in a language they can understand. People with disabilities can face profound discrimination in accessing public transport and a whole host of other services.

►► **Indicators**

Extent to which decision-makers and government officials at different levels are trained in women’s rights and gender analysis, aware of patriarchal and gender-stereotypical beliefs

Increased ratio of women in government jobs in different sectors and at different levels

Processes in place in all relevant institutions to analyse the impact of policies on women (and other excluded groups) and, based on this, adjust policies and their implementation to promote gender equality, rights and inclusion



Mapping those who are excluded from a public service can be a powerful entry point – as prejudice often blinds people until the data in front of them is compelling. Building critical awareness of excluded groups so they see public services as a right rather than something generously given is also crucial. Most importantly, mobilising women and excluded groups to build a collective voice and movements for change is needed to expose discrimination and demand action against exclusive or prejudiced public institutions. Power rarely shifts in the absence of a concerted challenge.

For example:

ActionAid Ghana has been working with government institutions to stop violence against girls in schools. ActionAid Ghana managed to broker an agreement between the Ghana Police Service’s domestic violence and victim support unit, and the girls’ education unit of the Ghana Education Service, to tackle violence against girls. The agreement institutionalises a confidential reporting system to track and respond to cases of violence against girls in schools. It also includes guidelines to facilitate the reduction of violence in schools, and to report and manage cases. As a follow-up to this advocacy process, ActionAid Ghana has been helping communities use the system and report cases of violence against girls in schools.¹⁴

3.2: Safe services

When public services are not provided safely, women are vulnerable and this limits their rights. Fear of violence - and the actual violence that women face - needs to be understood and tackled when promoting gender-responsive public services.

To address this, we need to identify and assess all forms of violence against women and girls in public spaces and private spheres. Disaggregated data on sexual harassment and violence against women is crucial to identify needs and appropriate responses - to transform public services in a gender responsive way.

14. Stop violence against girls in schools – success stories, ActionAid, 2013, p. 37

ActionAid has growing experience of addressing women's safety in **urban spaces**, mobilising demand for gender-responsive public services such as adequate street lighting, reliable gender-sensitive policing and judicial systems, and safe public transport. It is ActionAid's experience that women face intimidation, harassment, verbal or even physical violence when using public transport, and yet without it they can lose access to other public services such as healthcare or education, and economic opportunities such as work or market access. ActionAid's safe cities campaigning and programming work has generated many practical resources¹⁵ for addressing women's safety in urban areas.

Our work on safety in **rural areas** includes making links between the adequate provision of clean water and the reduction of violence faced by women who have to travel far from their homes to collect water. We have trained rural police and courts to ensure incidents of violence and harassment are taken seriously, and we have done extensive work on stopping violence against girls in schools, around schools and on the way to school. We recognise that as well as physical violence, psychological and emotional violence can be an obstacle to girls continuing in education, particularly in adolescence.

For example:

ActionAid Cambodia's 'safe cities' programme works with women excluded from decision-making processes (sex workers, entertainment workers, transwomen) to help them contribute towards their Commune Development Plans and Commune Investment Plans. Security was a big issue for these women – especially coming home late from work – so now they have improved street lighting and increased police patrols, both of which have improved their safety.

3. 3: Inclusive processes for inclusive public services

Public service institutions are unlikely to become fully inclusive until they hear the voices of those who have been historically excluded. Inclusive participation – or participation of citizens from diverse backgrounds – addresses differential vulnerability based on sex, gender, disability, marital status, caste and religion.

It is important to consider inclusive participation at all stages of public services: from needs assessment, prioritisation, planning, budgetary allocations and design, to implementation and monitoring. Inclusion in the *process* is key to the institutionalisation of genuine gender equality - and inclusion in practice. This requires working with organisations and movements that represent the most excluded groups to ensure their voices are heard in the reform of public services.

To start, we must recognise that most official spaces for participation are not currently occupied by diverse groups, and the most marginalised are least likely to engage or be heard. This means that active efforts need to be made to broaden participation and representation.

Indicators

Fewer incidences of violence and harassment of women in public spaces and within public services

Extent to which public services actively put in place efforts to ensure safety of women and girls in accessing services



15. See for example: Whose City? An evaluation of urban safety for women in ten countries, ActionAid 2017

ActionAid’s global approach to good governance is embedded in participatory techniques that nurture citizen-government interactions at all levels. ActionAid supports people living in poverty to actively use ‘invited spaces’ for participation, such as consultation meetings on local plans and budgets or national policies. ActionAid also works with communities and organisations to create spaces for public dialogue on public services by initiating community meetings with elected officials or service delivery staff.

For example:

Since 2015, ActionAid Mozambique has been working to increase local representation and now men and women living in poverty are invited to the ‘National Development Observatory’ – the official government space for dialogue with civil society - to raise their own needs and concerns.

ActionAid Nepal uses community scorecards to initiate structured, evidence-based conversations between communities and duty bearers such as school principals and teachers, health clinic staff and local government officers.

ActionAid Myanmar has trained a cadre of community volunteers, known as fellows, to facilitate community-led exercises to analyse social, economic and political dimensions of power, documented in a ‘village book’. Through inclusive participation, communities develop a dream map, which is then incorporated into township-level budgetary processes. ActionAid Myanmar has facilitated the development of over 1,200 village books countrywide; and the Ministry of Planning and other development partners have now adopted this approach.

ActionAid Nigeria, together with local partners, worked with women, young people and people with disabilities in 180 communities to assess and prioritise public services. Each community compiled its analysis and demands for services in a booklet referred to as the citizen’s charter of demand, which they then used to engage elected officials and government institutions through meetings at local, state and national levels.

► Indicators

Types and appropriateness of invited and created spaces for civil society/ citizen dialogue with elected officials on public services

Level of inclusion of marginalised women in invited spaces for dialogue on public services

Equal representation of women in formal oversight committees

Level of interaction between women and service providers/ duty bearers on budgeting, planning and delivery of public services





4. Quality - based on human rights standards – the 4 As

This framework analyses the different dimensions of *quality* in public services from a human-rights perspective, with an emphasis on a gender equality perspective. This summarises the essence of formal human rights standards as applied to public services, and is organised into four criteria: **availability**, **accessibility**, **acceptability** and **adaptability**. These criteria are adapted from the International Covenant on Economic, Social and Cultural Rights (ICESCR), and our definitions are based on the work of the first UN Special Rapporteur on Education, the late Katarina Tomasevski.¹⁶

4.1: Available

The availability of gender-responsive public services can be assessed by analysing the quantitative supply (amount) of services and whether they are economically available to the whole population.

The overall question regarding quantity are whether there are *sufficient* services – i.e. enough schools, health clinics, hospitals, clean water supplies, public transport etc. - and whether governments are taking active steps to increase the supply of services to meet the needs of the whole population. The analysis can also go deeper, for example whether schools have enough teachers, classrooms, toilets or teaching materials.

16. Katarina Tomasevski's website www.right-to-education.org was hosted for many years by ActionAid.



Education needs to be available, accessible, adaptable and acceptable.
 PHOTO: ANDREW ESIEBO/SHOOT THE EARTH/ACTIONAID

Such standards can be measured using indicators which highlight trends over time.¹⁷ Sustainability needs to be taken into consideration, for example whether a service such as clean water is available regularly, throughout the seasons and over years. Specific indicators of availability vary from one sector to another. For example, there should be a sufficient amount of clean water available within a given geographical area (e.g. a country, district or village), and there should be a regular supply of water over time. Moreover, clean water for consumption should be affordable or free. If fees are so prohibitive that a poor household must sacrifice other essentials (thus sacrificing other rights) or else use contaminated water, then individuals in that household are not enjoying their rights.¹⁸

Another question is whether services are *affordable*. Gender-responsive public services need to cater to people from all economic backgrounds, and if a service is not affordable it is *de facto* not available to people living in poverty. Global data indicates that children in the poorest households are four times more likely to be out of school than to those in the richest households. Allocation of public services should be based on urgency and need, as opposed to who can pay. ActionAid believes that many public services should be free in order to fulfil the human rights of people living in poverty.

► **Indicators**

Extent to which public services are free at the point of use

Number of people excluded from services (or having limited access) owing to inability to pay (disaggregated by gender / other axes)

Number of teachers / doctors /nurses etc per thousand of population



ActionAid has actively promoted the right to free primary **education**. The same approach should be applied to basic healthcare and other public services. Some public services such as electricity or public transport may incur a fee, but to make such public services live up to the criteria of availability, any fee should be affordable even for people living in poverty. In cases where governments charge for a public service, policy measures such as fee reductions or exemptions should be used to increase availability for people living in poverty. In many cases, any user fee to access a public service acts as a regressive tax, and a more equitable way to finance the service could be found through progressive expansion of the domestic tax base - i.e. ensuring the rich pay more tax as a share of their income than the poor.

Related to affordability is the issue of **time costs**. Is the right to clean water adequately fulfilled if women need to walk two hours each way to collect it? In countries with weak legal and institutional mechanisms, there are high ‘time costs’ to accessing justice e.g. for survivors of violence trying to report the perpetrator to the police, or in court. There is also a financial factor here, since often the police and other members of the criminal justice system will charge for their services, so that women who have experienced violence are denied their right to justice.

Availability also depends on adequate investment in public services and infrastructure. For example, access to education requires funding for adequate infrastructure, teaching materials and teachers.¹⁹ If infrastructure is inadequate, and schools have a shortage of classrooms for example, this would affect the availability of education. Schools without adequate toilets have been found to exclude girls as they begin menstruation. To understand this better, it is important to disaggregate data across regions, for urban and rural schools, and public and private schools.²⁰

17. See Right to Education Project, Indicators Selection Tool
 18. WHO, http://www.who.int/water_sanitation_health/humanrights/en/index2.html
 19. Promoting rights in schools: providing quality public education, ActionAid, 2011
 20. Indicators Selection Tool, Right to Education Project, 2016

4.2: Accessible

For public services to be gender-responsive they have to be accessible. This means looking at who has access, and checking that public service delivery systems do not discriminate, taking positive steps to reach the most marginalised.

Two dimensions of accessibility are crucial to determining whether a service is gender responsive: *physical* accessibility and *social* accessibility.

Physical accessibility is a tangible indicator that takes into consideration the location or distance of a public service from user groups, as well as access by disabled user groups. Often people have to travel long distances to access basic services such as health and education, and few services offer sign language interpretation, ramps or other services to ensure full accessibility for all.

Social accessibility is a decisive indicator when monitoring a service for its gender-responsiveness. Social accessibility has the power to address deep-rooted gender inequalities that are framed by social attitudes and stigma. In many contexts people suffer stigma and ostracization because, for example, they identify as LGBTI, or are HIV positive or sex workers. This can affect their access to public service, for example when public service officials hold personal biases, and this has an impact on the overall gender responsiveness of public services. Social stigma can also affect young women's confidence to access sexual and reproductive health services.

Determining whether women or other marginalised groups have equal access to public services requires a range of measurements based on the types of discriminatory practices for different marginalised and vulnerable groups in the country.

4.3: Acceptable

Acceptability means that quality, gender-responsive public services are relevant, non-discriminatory and culturally appropriate.

The factors that make a gender-responsive public service acceptable to specific groups are very context specific. Inclusive participation in public service governance increases the chances that users can articulate what is acceptable or not, and inform decisions with their views. ActionAid should take a special interest in promoting the participation of women and girls in defining what makes public services acceptable to them.

For example, acceptable **education** should be relevant, culturally appropriate and of quality. The curriculum should not discriminate and should relate to the social, cultural, environmental, economic and linguistic context of learners. ActionAid's

►► Indicators

Number and categories of people who find a service inaccessible for a) physical b) social reasons

Number of cases where discrimination in accessibility has led to legal action



handbook “Promoting Rights in Schools” provides further ideas on how to make learning relevant and culturally appropriate. This can include producing learning materials related to the local context, and promoting mother-tongue instruction for linguistic minorities.

Acceptable **health** facilities, goods and services respect medical ethics, are gender-sensitive and culturally appropriate. According to the Committee on Economic, Social and Cultural Rights, health services should be, “*respectful of the culture of individuals, minorities, peoples and communities, sensitive to gender and life-cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned*”. Participatory processes should reveal what these standards mean to particular groups – to men, women, boys and girls from different cultural backgrounds, religions, sexual orientation or other minority groups within communities – and help empower groups to advocate for health services that are more acceptable from their perspective.

Public services related to **water** should be acceptable to different groups within communities, especially to women and girls.

Consumer acceptability includes the characteristics of the water (e.g. odour, taste and colour) as well as procedural considerations (e.g. the behaviour of water suppliers towards individuals within the community).

Cultural acceptability refers to subjective perceptions based on the culture of individuals, minority groups and communities, and cannot be generalised. For instance, some groups might find it inappropriate to drink water from a tap rather than from a river, while others might refuse to drink water that has been chemically treated or drink water from a borehole close to a graveyard.²¹

While acceptability is an important principle, it should not be allowed to result in discrimination or exclusion on cultural grounds. For example, in Nepal the practice of *chaupadi* compels menstruating women to live in secluded and unsafe huts outside the home. The Supreme court outlawed the practice and directed the government to formulate laws against it. These new laws and practices might not be deemed acceptable by some more traditional groups, but defend basic rights of women and girls.

► Indicators

Extent to which different categories of people consider a service to be acceptable

Extent which complaints about unacceptability are registered and acted upon by public service providers.



4.4: Adaptable

Adaptability is founded on the commitment of governments to provide the public with services that meet their needs.

Adaptability is key to ensuring that gender-responsive public services are delivered regardless of the prevailing context which may shift due to (1) changing social, economic and political trends, (2) urban and rural settings, (3) the generational gap, and (4) conflict and climate-related or natural disasters.

21. The AAAQ framework and the right to water, The Danish Institute for Human Rights, 2014, p. 21

The changing social, economic and political context should be reflected in public service delivery. Governments should undertake a regular analysis of the impact of services on gender equality, while simultaneously assessing emerging needs and update their public services accordingly. For instance, many governments across Africa and Asia have established women and child desks with specially trained officers at **police stations** to encourage reporting of violence. As more cases are reported, more need for safe house facilities, legal aid and/or psychosocial support may emerge, requiring governments to update/ adapt this service reflected in budget allocations.

Urban and rural settings pose different challenges in terms of public service delivery. Generally, **rural** areas have fewer services, often far from public reach. The Indian National Rural Health Mission scheme is one attempt to deal with this, establishing a mobile medical unit to cover villages without permanent clinics.²² In developing countries **urban** areas continue to grow in population and governments need to adapt existing services to meet different needs. For example, government health clinics in the high migrant area of Hlaingthayar in Yangon, Myanmar, operate from Monday to Friday even though local factory workers cannot go at those times. In this case, the government should adapt the service to open on Sundays.

The **generational** gap is especially important when considering raising people's awareness on the availability of a particular public service. Mobile phone applications may be developed for outreach to youth groups, while governments may have to think of more conventional models of public outreach for older members of society, which may include radio programming.

Conflict, climate-related and natural **disasters** pose challenges for every government in delivering basic public services. In the case of climate-related and natural disasters, even though governments may not be aware of an impending disaster, they should factor in the impact of disasters when designing public services. In countries prone to climate-related disasters such as floods and cyclones, governments can set aside an annual budget for emergency preparedness and response, while also catering to long-term needs. In these instances, delivery of **health** services is crucial, especially in trying to contain the outbreak of diseases.

For example:

After cyclone Pam caused country-wide devastation in Vanuatu in March 2015, ActionAid encouraged local communities to establish women and children centres run by community volunteers to ensure their access to basic needs including sanitary supplies. Through these centres, women could access basic information and also discuss their emerging needs. These centres also served as distribution points for basic supplies.



In Dhaka, Bangladesh, women often struggle to use public transport for fear of sexual assault. Many of these problems can be solved with public investment, but millions in tax funds are being lost through loopholes.
PHOTO: AMIRUZZAMAN/ACTIONAID

► Indicators

Extent to which public services adapt to the needs of the most disadvantaged users – whilst maintaining quality standards

Existence of emergency / disaster preparedness plans for key public services and speed of recovery of services after a shock

22. <http://www.nrhmrjasthan.nic.in/MMU%20Status%201.htm>



ActionAid South Africa occupied Joubert park back in 2015 as part of our safe cities campaign launch that focused on demanding gender responsive public services in urban areas.
PHOTO: ACTIONAID

How we work

“Overcoming poverty is not a gesture of charity; it is an act of justice”

NELSON MANDELA

ActionAid’s approach to promoting gender-responsive public services is an integral part of our wider human rights-based approach (HRBA).

Our human rights-based approach

ActionAid first committed to a human rights based approach in 1998, through its strategy “*Fighting Poverty Together*” and this has been reinforced in subsequent strategies, “*Rights to End Poverty*” in 2005 and “*People’s Action to End Poverty*” 2011. This approach, summarised here, is explained in more detail in ActionAid’s key reference materials produced in 2012: *People’s Action in Practice* (which is being updated in 2018).

In 2015 a series of regional meetings brought together programme staff and partners to share practical experiences of applying our HRBA in different contexts. Participants presented and collectively scrutinised country case studies, drawing out critical learning about ActionAid’s theory of change and HRBA, and many of these examined involved work on gender-responsive public services. Insights from this process and from the development of a new ten-year strategy, *Action for Global Justice*, are informing an updating of ActionAid’s HRBA in 2018.

While ActionAid's HRBA is continuously evolving to reflect shifting geopolitical trends and local contexts, as well as the organisation's learning, there is a core belief in 'the power of people' to analyse and confront unequal power dynamics.

Our theory of change:

Building on international human rights instruments, ActionAid's theory of change is most concisely expressed as follows:

Social justice, gender equality and poverty eradication are achieved through purposeful individual and collective **action** to shift unequal and unjust power, whether it is hidden, visible or invisible, from the household level to local, national and international levels.

Empowerment of people living in poverty and exclusion is crucial. Active and organised people develop and drive change; which will transform power when led primarily by those who are directly affected, and by individuals committed to deepening democracy and achieving social justice.

Collective efforts and struggles have more impact when linked through **solidarity**, campaigning and common cause between communities, people's organisations, social movements, citizen's groups and other allies to strengthen the power of people to drive structural change.

This includes advocacy, **campaigning** and policy influencing to engage with power structures from local to global.

Change is not linear, and opportunities to drive social change, advance **alternatives** and resist injustice open up at different moments. Different contexts will require different strategies.

ActionAid is both a **catalyst and a contributor** to social change processes. We will be prepared to seize key moments for social transformation when they arise, and to resist backlash, guided by our long-term rootedness in communities and by working closely with people's organisations, social movements and other allies.

ActionAid will also enable platforms for citizens' actions to hold duty bearers to **account**.

From this theory of change we draw out four key elements:

In respect of empowerment:

ActionAid prioritises "conscientisation" – building the critical awareness of people living in poverty through a reflection-action-reflection process that draws on ActionAid's rich experience with participatory methods (see box below). But empowerment also involves: supporting and strengthening people's organisations and social movements; monitoring public policies and budgets to hold governments to account; harnessing the power of communications to raise people's voices through different media; and responding to urgent needs through rights-based service delivery.



A woman para-vet on Fayako island, Senegal, treating a community member's goat. Agricultural extension services need to be gender responsive too. PHOTO: ACTIONAID SENEGALA

In the area of solidarity:

ActionAid helps people find common causes and links people across the Global North and Global South through fundraising and campaigns; it also builds solidarity by linking different struggles across issues and across countries and builds wider alliances in support of the collective struggles of people living in poverty.

The area of campaigning:

ActionAid can build evidence and voices from our long term rootedness with communities to inform lobbying, advocacy and mass mobilisation. This is crucial to challenging the structural causes of poverty and injustice and will always involve strong alliances with social movements and allies who can help to shift power.

Credible rights-based alternatives:

Enable us to move beyond fighting *against* poverty to actively fighting for positive solutions. Our vision of gender-responsive public services articulated in this framework is one example of such an alternative, one that challenges the dominant paradigm (which sadly is premised on underfunding public services to make way for privatisation) and builds people's confidence that another world is possible. In this case, one with well-resourced and gender-responsive public services that truly deliver on human rights.

Box 1: Our participatory methods

ActionAid has experience applying a variety of adaptable reflection-action tools to facilitate our HRBA approach, particularly our work on empowerment and on accountability for public services. While these tools are not unique to ActionAid, we have invested effort in building and renewing the skills of our staff and over time. There are a number of resources for specific tools to be applied to facilitate empowerment, solidarity and campaigning on gender-responsive public services. These draw on our years of work with approaches such as Reflect (a Freirean approach to adult learning and social change), Economic Literacy and Budget Accountability in Governance (ELBAG), Participatory Vulnerability Analysis (PVA), Societies Tackling AIDSs through Rights (STAR) and many more. We have sought to bring together the core of all of these into a common set of Reflection-Action resources to support grassroots practitioners who want to help shift power.

Our core principles:

In articulating our Human Rights Based Approach we spell out eight core principles:

1. We put people living in poverty first and enable their active agency as rights activists.
2. We analyse and confront unequal power.
3. We advance women's rights.
4. We work in partnership.
5. We are accountable and transparent.
6. We rigorously monitor and evaluate to evidence our impact and we critically reflect and learn to improve our work.
7. We ensure links across levels – local, national, regional and international – to ensure we are addressing structural causes of poverty.
8. We are innovative, solutions-oriented and promote credible alternatives.

While working with the most marginalised groups, ActionAid places **women at the centre** of its work. The eradication of poverty and injustice will simply not be possible without securing equality and rights for women. We understand that women living in poverty face greater oppression because they face discrimination arising from their poverty and their gender. Gender power dynamics that are often embedded in social and cultural practices and supported by patriarchal structures often limit women's participation in decision-making, increase violence against women, deny women the rights to their bodies and commit them to undertaking unpaid care work responsibilities. Furthermore, regressive policies, social and cultural norms, customary laws, weak institutional mechanisms and a lack of affirmative action policies continue to cement social power imbalances that overwhelmingly favour men.

Our learning:

ActionAid is committed to a continual process of learning and some recent key critical learning about our HRBA that is relevant to gender-responsive public services includes:

- HRBA is a valid approach whether we are working in strong, weak, fragile, absent or occupied states and whether there are revolutionary, progressive or oppressive governments. *There are **no permanently ideal or impossible contexts***. But challenges will always arise when HRBA is seen as a blueprint, template or magic bullet. Whilst our principles are constant, the strategies and tactics used must always be contextualised, creatively adapting our theory of change to ensure a people-led process.
- It is important to conduct thorough **risk analysis** for using HRBA in different contexts, but this should never lead to risk aversion or paralysis. As we promote our approach to GRPS we should expect resistance, as it challenges some entrenched interests that wish to maintain the status quo. Power never gives up without a struggle. Real challenges to power will lead to a backlash – and this can even be an indicator of impact. Monitoring and evaluating shifts in power is never easy because it is not linear.
- In the early years our HRBA tended to focus mostly on the **visible power** of the State as duty-bearer. We need to be more systematic in addressing **hidden power** (e.g. corporates / IFIs) and **invisible power** (patriarchy / traditional beliefs). In respect of gender-responsive public services this means, for example, that whilst we need to hold the state to account we also need to challenge the hidden forces pushing privatisation and actively challenge patriarchy within and around public service provision.
- Our priority should be to work with **rooted movements** that truly represent *and* engage their constituencies, enabling their voices to be heard in making the case for gender-responsive public services. Within all these movements we should focus on supporting **women's agency** and creating safe spaces for women's engagement – so every programme and campaign should place women unequivocally and accountably at the centre. In the process we need to continually reflect on our own practice of power as ActionAid and as individuals.
- We should recognise and challenge the **problematic history of NGOs** in the area of public services – sometimes substituting for the state, running parallel service delivery programmes and employing non-professionals. Such approaches have

While working with the most marginalised groups, ActionAid places women at the centre of its work. The eradication of poverty and injustice **will simply not be possible without securing equality and rights for women.**



An elderly woman affected by 2015 floods in Tamil Nadu state of India, waiting to collect subsidised food grains from a government shop.

PHOTO: SRIKANTH KOLARI / ACTIONAID

We must always be open to change ourselves - recognising that we are still learning, and that reflecting critically on our practice should never stop.

sometimes had unintentional consequences in undermining public services and the status of key professions (especially teaching).

- **Tax justice work is integral** to our HRBA: we are arguing for progressive tax that is progressively spent on the progressive realisation of rights. When people living in poverty and facing injustice become aware that they too are tax payers (as they invariably do pay VAT), this can deepen people's sense of citizenship and their confidence to demand quality public services. People feel profound injustice when they know they are paying tax – but getting little in return – whilst the richest companies avoid paying and yet seem to reap all the benefits.
- We need to acknowledge **the tensions between our HRBA and the dominant development discourse and practice**. There is a focus on simplistic solutions, short term interventions, quick wins, project cycles, payment by results, value for money. But shifting power and building gender-responsive public services is a long-term change process that is not easily 'projectized', where the outcomes from empowering and mobilising people, and holding governments to account, are not so predictable. Yet the change that will come from building strong citizen engagement at local and national level and from building publicly-funded and publicly-delivered, inclusive public services will be sustainable and profound. It will not be easy to attribute the changes to ourselves (and nor should we, as we should be working with others in broad movements and close partnerships, recognising the complexity of forces) and this makes reporting to donors more challenging. But our real accountability should be downwards – to the people living in poverty and facing injustice with whom we are working – and if we help them achieve shifts in power that should be valued even by traditional donors.
- In everything we are doing we need to **retain flexibility** and allow for shifting and unpredictable external environments and change processes. We must always be open to change ourselves – recognising that we are still learning, and that reflecting critically on our practice should never stop.

Box 2: Gender dimensions in promoting rights in schools

In the past few years, ActionAid, together with the Right to Education Initiative, has built a framework called 'Promoting Rights in Schools' based on ten core dimensions of the right to education - each drawn from international human rights treaties. ActionAid has used this core framework across 25 countries, helping parents, children and teachers to do rights based assessments of local schools, developing rights-based school improvement plans and compiling district and national level Citizens' Reports that lay out people's priority agendas for reform. This is a crucial resource for working on gender responsive public education as there are important gendered dimensions of each of these core rights:

Right to free and compulsory education: 'Free' is key! When fees are charged, girls are often the first to be excluded. 'Compulsory' is also crucial in communities that may not value the education of girls as much as boys or in contexts where pregnant girls are blocked from returning to school after giving birth.

Right to non-discrimination: Girls face discrimination arising from child marriage or child pregnancy or simply due to the burden of domestic and care duties. Girls also face discrimination inside classrooms e.g. sitting at the back or on the floor whilst boys sit at the front or on chairs. Teachers may have different expectations of girls and how they 'should' behave. School textbooks often reproduce stereotypes and exacerbate discrimination.

Right to adequate infrastructure: When school infrastructure is inadequate girls are often the first to suffer e.g. in the case of sanitation facilities – unless there are safe, decent and separate facilities for girls and boys the impact can be to push girls out of school either permanently or on a temporary basis (e.g. during menstruation).

Right to quality trained teachers: The teaching profession is often highly gendered. The lack of female teachers at different levels can mean girls lack positive role models and patriarchal attitudes are more likely to be perpetuated. The content of teacher training also plays a crucial role - and gender-sensitivity in training needs to be much more integral than it often is.

Right to a safe, non-violent environment: Girls often face physical and psychological violence in school, around school and on the way to school - so fulfilling the right to a safe and non-violent environment can be particularly crucial for girls. Creating safe spaces for girls to meet and discuss problems and solutions, for example in girls' clubs, is a crucial step.

Right to relevant education: For education to be 'acceptable' and 'adaptable'; it needs to be 'relevant' (e.g. taught in the mother tongue / linked to local realities) but this does not mean pure localism. There is universal relevance to ensuring girls and boys receive comprehensive sex education and that they are prepared for active citizenship and critical thinking.

Right to know your rights: Respect for human rights, tolerance and equality of the sexes are all part of the aims of education as articulated by human rights law. Teacher training programmes ought to include human rights education and gendered awareness.

Right to participate: Girls and boys have an equal right to participate in decision making in schools. Disaggregated tracking of who speaks in key forums and whose voice is given weight can help to ensure that biases are diminished and that the participation of girls in a democratic space in their schools can be a foundation for meaningful participation and leadership in wider society.

Right to transparent, accountable schools: Gender imbalance is not just a problem within classrooms but also in school governing bodies and other community spaces that link with schools. If many children return home to non-literate households there is a strong case for women's literacy and empowerment programmes that seek to increase household literacy and representation of women on relevant accountability bodies.

Right to quality learning: There should be no reason for any marked gendered difference in learning outcomes in any subject. The myth that boys are better at science or 'more suited to engineering' needs to be challenged whenever it rears its ugly head! The 'genderisation' of subjects can have a lasting impact, disadvantaging girls at higher levels of education and affecting career opportunities.



Mary, 32, lives in a village in Upper West state, northern Ghana. Women sometimes need targeted support to take on male dominated public sector roles. She became a nurse, in part, after her father got a loan from an ActionAid funded women's network to pay for her exam fees.

PHOTO: RUTH MCDOWALL/ACTIONAID

ActionAid is a global movement of people working together to achieve greater human rights for all and defeat poverty. We believe people in poverty have the power within them to create change for themselves, their families and communities. ActionAid is a catalyst for that change.

<http://actionforglobaljustice.actionaid.org>

International Registration number: 27264198

Website: **www.actionaid.org**

Telephone: **+27 11 731 4500**

Fax: **+27 11 880 8082**

Email: **mailjhb@actionaid.org**

ActionAid International Secretariat,
Postnet Suite 248, Private Bag X31, Saxonwold 2132,
Johannesburg, South Africa.

July 2018