

# T13P05 / Towards Inclusive Bureaucracies for Diverse Societies - Policy Implications of (Non-)Representative Bureaucracies

**Topic :** T13 / Gender, Diversity and Public Policy

**Chair :** Eckhard Schroeter (German University of the Police)

## GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

**Note:** *This Panel is eligible for the GCPSE (UNDP) Grant.*

Questions of ethnicity, multi-culturalism, gender or social equity have become increasingly salient to political discourses and public policy-making. To the extent that societies have become more diverse and struggle with their inclusiveness, the theory and practice of representative bureaucracy also becomes more significant to students of public policy and administration. The concept of representative bureaucracy raises questions about the link between the socio-demographic make-up of public bureaucracies, government responsiveness and administrative accountability as well as the effectiveness and efficiency of public policy making and implementation.

The study of representative bureaucracy is concerned with the relationships between the make-up of public sector workforces and the socio-demographic characteristics of the societies they are supposed to serve. As public bureaucracies are major players in the making and implementation of public policies, the questions whether diverse social groups are 'passively' or even 'actively' represented in public sector organizations also move to center stage of public policy analysis. So, what are the consequences of 'representativeness' – or the lack of it – for the quality of service delivery, for relations to citizens, and for the diversity management within public organizations? And what are the wider implications for the levels of public trust, the accountability and legitimacy of government, and for power-sharing arrangements in state and society?

This panels seeks to advance the comparative analysis of the policy implications (ranging from the agenda-setting and formulation of public policies to the delivery and evaluation of public policy programs) of having or not having public bureaucracies that can serve as representative institutions. To this aim, theoretical and empirical (both qualitative and quantitative) submissions are invited. In addition to individual case or country studies, contributions with comparative perspectives looking at variation across policy domains, types of public sector organizations, levels of government or national systems of public policy-making are particularly encouraged.

## CALL FOR PAPERS

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## Session 1 Representative Bureaucracy I: Encouraging and Sustaining Inclusive and Diverse Societies

Wednesday, June 28th 16:15 to 18:15 (Block B 2 - 1)

### Discussants

Eckhard Schroeter (German University of the Police)

### **No integration without representation? What representative bureaucracies can do and cannot do for diverse societies**

Eckhard Schroeter (German University of the Police)

The proposed paper sets out to discuss the empirical and practical relevance of the academic and political concept of representative bureaucracy for the sustainability of increasingly diverse democratic societies. Against the backdrop of dramatically intensified flows of migration towards Europe, the paper analyzes what representative bureaucracy can possibly contribute to cope with the immense challenge of integrating new but also existing and already established (home-grown) ethnic, cultural and/or linguistic minorities in Western societies.

Employment in the public sector appears as a significant factor in shaping the social and political relations between minority communities and the majority group in society. Making the public sector workforce (more) representative of the social make-up of the communities they are supposed to serve can be seen as a meaningful contribution to raise public legitimacy of administrative authorities and improve the quality of administrative output. However, the passive and active representation of minority groups in public bureaucracies may also have detrimental ramifications and even counter-productive, if not self-destructive consequences. Based on empirical evidence drawn from the rich body of literature on representative bureaucracy in North America and Europe, the paper reviews and considers the pros and cons of this approach in the light of the increased influx of migrants and refugees to modern and diverse societies.

### **Public Sector Diversity and Inclusiveness: Concepts, Findings and Suggested Policy Actions**

Meredith Edwards (Institute for Governance and Policy Analysis)

This paper examines issues of diversity and inclusiveness with a particular focus on barriers to employment and career progression of two minority groups: people with disability and senior women. After examining relevant concepts and literature findings, the paper provides findings from two recent 'cultural audits' from the Australian Public Service: one examining perceptions of senior men and women about the barriers senior women face; the other examining the perceptions of people with as well as without disability of the barriers faced by people with disability. It also provides plausible and practical measures that public administrators can undertake if the benefits of a more diverse and inclusive workforce are to be gained.

## **Outcomes of under-represented policy making: Transgender rights in India**

Angela Chaudhuri (Swasti)

Deya Bhattacharya (Swasti Health Resource Centre)

Sri Bhavani Kumaran (Swasti)

Gadha Raj (Swasti)

More than half (51%) of total AIDS-related deaths in Asia occur in India. Among high-risk groups in India, transgender people have the highest prevalence of HIV at 8.82%. The National AIDS Control Organization (NACO), the agency that provides leadership in prevention of HIV in India, has identified transgender people as the most vulnerable group: yet, merely 25% are covered by the public health system. Out of 1889 targeted HIV interventions currently running in India, only 32 of them focus on transgender people. Despite having the highest HIV incidence rate, only an estimated 52.9% of transgender women get screened for HIV. Proving that even the most ambitious and targeted program fails to reach the un-represented.

Only until recently, transgenders were considered part of the national discourse and for the first time ever were the counted in the National Census in 2011. They are considered a socially marginalized group and largely excluded from the formal economy, reportedly associated with homelessness.

The transformative 2014 Bill was based on the NALSA judgment that upheld the right of any person to identify as female, male or a third gender irrespective of medical intervention, including gender change surgery. However, this was replaced by the 2016 Bill, which while providing for the right to perceived gender identity, made it conditional on the basis of a certificate by a screening committee consisting of a psychologist and a medical doctor. This gross violation of human rights and constitutional principles that a supra-constitutional body would determine the identity of transgender people is clear that there was no participation or tokenistic at best, for the transgender people's right to self-determination.

Despite the regressive policy environment, the legitimacy of transgenders' rights to social protection has been on the forefront of the National AIDS Control Organisations' mainstreaming and social protection agenda where it partnered with 22 ministries on instituting various social protection schemes. A study supported by United Nations Development Program and conducted by Swasti, A health resource center based in India and working across 22 countries, explored the uptake of social protection schemes for TG persons. The findings suggest that 249 social schemes that can be potentially accessed by those identifying as transgenders, where only 49 explicitly state that transgenders are eligible, and only 19 such schemes have ever been accessed by only 17% of TG persons. Challenges to access include first and foremost the inhuman bureaucratic process available only to transsexuals confirming their gender identity. Secondly, almost all schemes require a proof of residence. This is a form of identification not available to most transgender individuals as they are mostly ostracised from their biological families, run away from home and are highly mobile due to prevalent stigma.

Given the poor design of even targeted programs, policies and schemes, it is clear that policies were bereft of any community participation. The consequences are dire as they lead to a bureaucratic malaise on the account of transgender communities in India.

## **How Inclusive is Inclusive Peace? Women in Shaping Public Policy for Peace in Mindanao**

ELISEO JR. HUESCA (Davao Oriental State College of Science and Technology; Institute of Asian Studies, UBD Brunei)

Women remain invisible in most of peace negotiating tables 15 years after the passage of United Nation Security Council 1325, popularly known as Women, Peace and Security. The efforts and results on women inclusion as mediators, for instance, continue to be slow and far from sufficient and frustrating. Simply put, peace process, especially at the national level, remains to be a male-dominated political industry. While these observations and generalizations are applicable to most, if not all, countries with intrastate conflicts, the Philippines has noticeably stood out among its peers in Asia in advancing the aspirations of Resolution 1325 in the past 5 years. In fact, the UN, international NGOs, academes, donors, and other key international stakeholders have lauded this progress responds to the primary objectives of Resolution 1325. Thus, this research intends to understand the progress of Resolution 1325 in Philippines with particular emphasis on Mindanao's Bangsamoro problem using norm localization as an overarching framework of analysis. Generally, this study aims to explore the achievements of, challenges on, and ways forward for, women engagements on peace and security processes in Muslim Mindanao. Specifically, this research project will examine two major aspects: firstly, the current trend on the

participation of women in peace and security processes in Mindanao; and secondly, the extent of participation of Muslim women in these particular political affairs, as they are oftentimes considered as minorities for being women, being Muslims, and being women in Islamic communities. This paper argues that the Philippines managed to get global attention in advancing women in peace processes, however, questions on how women represented themselves in shaping peace-related policies and how such representation affected domestic peace politics necessitates further investigation and analysis.

## **The gender of post-separation bureaucracies: A cross-national investigation**

Kay Cook (RMIT University )

This paper describes a multi-level, cross-national research study that seeks to examine the gender of post-separation parenting bureaucracies. The aim of the project is to examine the barriers to child support that women experience, and in doing so, seeks to reduce single mother and child poverty. The project employs interpretive policy, institutional and personal-level methodologies across countries to examine the black box of institutional practices that operationalize child support policy, often in the context of fiscal constraint and neoliberal assumptions regarding individual and familial responsibility. The focus of the analysis is then on the gendered consequences – intended and unintended – produced in this process.

Child support, known also as child maintenance, is money paid by a non-resident parent (typically a father) to a resident parent (typically a mother) for the purpose of financially supporting children following parental separation. Yet across jurisdictions, child support compliance is poor.

In many countries, single parent welfare benefit recipients (who are overwhelmingly women) are compelled to seek child support as a condition of eligibility. Women are thus made responsible in bureaucratic settings for seeking and managing payments, which serve to reduce welfare state expenditure and enforce fathers' financial responsibility for children. In addition, in most jurisdictions, women are the interface between institutions, such as the family court and welfare systems that manage the changing state-family-market configuration of financial responsibility for children post-separation, and their ex-partners, who provide payments. Yet, in some countries, given the low likelihood of receiving payments, child support orders are becoming less likely, with mothers accepting less benefits than they are entitled to in order to avoid seeking payments from ex-partners. Here, we know little about the way that institutional systems support or hinder women's access to child support, and how the gendered nature of these settings lead women to not pursue payments.

Previous individual-level research reveals that women may avoid payments for many reasons, often linked to the enforcement of familial ties and the individualization of responsibility for managing payments. For example, establishing orders, seeking payments, or reporting non-compliance may: lock women into unwanted relationships; place them at greater risk of violence; entail onerous administrative demands; or renew custody disputes. Child support policies, institutions and practices are often insensitive to such issues, which tend to disadvantage women and their children along race and class lines. Existing scholarship provides little guidance for policy or administrative reform in this area as women's reasons for child support avoidance are largely unacknowledged in research and institutional data collection practices are not attuned to such issues.

This paper will outline what is known about women's experience of institutional data collection and administrative practices; and the data and policy blind-spots that render women's experiences invisible to bureaucratic regimes. It will then set out how the in-progress multi-level project seeks to address these blindspots.

## **DOES COLLABORATION MAKE FAIRER POLICY FOR MARGINAL GROUPS? LESSONS FROM AOTEAROA/NEW ZEALAND**

Rachel Simon-Kumar (The University of Auckland)

Collaborations between state/policymakers and community are viewed broadly as a norm in contemporary policymaking. Aimed at improving efficiency, effectiveness and relevance of targeted policy, in reality they entail 'spaces' and 'moments' that are charged with relational, discursive and structural shifts. In other words, collaborations are purported to influence policy outcomes as well as democratic transitions of political communication and values. For those communities traditionally categorised as marginal – women, disabled, ethnic minorities, indigenous communities, youth, unemployed – collaborations promise radical change at many levels; at the least, it can engender a policy machinery receptive to marginal voices, and at best, it can revision conceptualisations of democratic legitimacy of marginality. But, is this demonstrated in reality?

In this paper, I present paper the consolidated findings of a four-year research project that investigated the implications of engagement between the New Zealand government and a range of marginalized groups – Māori, women, migrant and refugee groups. Commenced intensely as part of a Third-Way agenda of a left-leaning Labour government in the early 2000s, collaborations with marginalized groups continue in the current period of austerity in the centre-right National government.

Drawing on the results of interviews and case studies of collaborations in domains such as resource management, sexual and family violence, and refugee settlement, this paper develops two aspects: first, the paper presents a nuanced categorization of 'collaboration' that delineates the nature, objective and architecture of engagement. Secondly, it explores the idea of 'fairer' policy. Adapting Nancy Fraser's triple axes of justice, namely, redistribution-recognition-representation, the paper elucidates the possibilities of fairness as: (a) harmonious diffusion of values, (b) improved redistribution, (c) constructive contention. The discussion in the paper will develop the observed links between the nature of collaboration and fairness.