EXPLORING POLICY SURVEILLANCE

Part 2 — Global Policy Surveillance: Challenges and Opportunities

February 11, 2019, 11:00 a.m.-12:30 p.m. ET

Presented by THE POLICY SURVEILLANCE PROGRAM
A LawAtlas Project
How to use WebEx Q&A

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2. Select “All Panelists”
3. Type your question
4. Click “Send”
Moderator

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Director, Center for Public Health Law Research
Professor, Temple University Beasley School of Law
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University of North Carolina – Chapel Hill
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WORLD Policy Analysis Center
UCLA Fielding School of Public Health
Global Health Advancement through Policy Surveillance
An Academic Imperative for Empirical Research

Benjamin Mason Meier, JD, LLM, PhD
Exploring Policy Surveillance Webinar
Global Policy Surveillance
February 11, 2019
1. **Surveillance** – How can Policy Surveillance Support Comparative Law?

2. **Application** – How Have We Applied Policy Surveillance to Advance Global Health?

From International Development to National Implementation

International Treaty

Health Promotion

Policy Surveillance to Facilitate National Implementation
Studying National Implementation

1. Judicial Challenges
2. International Treaty Bodies
3. National Law
4. Civil Society Advocacy

Linguistic Analysis

Thematic Analysis

Policy Surveillance through Analytic Coding
Judicial Challenges

Case Identification
- Adjudicated by an international, regional or domestic court
- Implicates health topics
- Argues a right of individuals or groups or an obligation of duty-bearers

Case Categorization

Global Health and Human Rights Database
A free online database of health and human rights law

About the Database  About Us  Our Partners  How to use the Database  Resources  Contact Us

Advanced Search

Filter Map  Health Topics  Human Rights

O'NEILL INSTITUTE FOR NATIONAL & GLOBAL HEALTH LAW

LA W Y E R S COLLECTIVE

GEORGETOWN LAW
## International Treaty Bodies

### Assessing Treaty Body Monitoring

1. **What are States Reporting?**
2. **What is Civil Society Reporting?**
3. **How are Treaty Bodies Responding?**
National Law

1. Develop Legal Framework
2. Create Assessment Tool
3. Map Legal Landscapes
Civil Society Advocacy

• Social Media Use Exploding
  — 2.55 billion individuals by 2017
  — NGO use social media to engage individuals

• Political Advocacy Opportunities for Norm Change
  — Public Awareness
  — Mass Media
  — Policy Reforms
Facilitating Implementation through Empirical Research

Understanding Policy Mechanisms

- Actors
- Issues
- Norms

Policy Surveillance as a Basis for

- Practice – Transnational Precedent
- Research – Comparative Analysis
- Governance – Indicators
An Academic Imperative for Empirical Research in Global Health Law

Benjamin Mason Meier, JD, LLM, PhD

Global Policy Surveillance: Challenges and Opportunities

Center for Public Health Law Research
February 11, 2019
Using Policy Surveillance to understand cross-national differences in adoption of evidence-based policies

Matthew M. Kavanagh, PhD
Georgetown University
Visiting Professor of Law
Director, Global Health Policy & Governance Initiative
O’Neill Institute for National & Global Health Law
A political economy of HIV treatment policy

Drivers of Health Policy Diffusion

Matthew M Kavanagh PhD, Georgetown University
Somya Gupta, International Association of Providers in AIDS Care
Kalind Parish, University of Pennsylvania
Puzzle

Translation of scientific evidence into policy drives progress health (Deaton)

Persistent cross-national differences the policies governing standard medical treatments

Physicians, WHO, policymakers, (some) health policy scholars suggest that to overcome differences focus on:
• improving scientific evidence
• clarifying interpretations of that evidence for policymakers
• awareness and dissemination channels
• effective cost-benefit analyses
• sufficient resources to implement new medical standards

Even addressing all of these factors is insufficient to secure rapid, equitable adoption of quality medical practice guidelines across countries and contexts.
HIV: glaring case in point

More than 70 million infected since start of pandemic, half of whom have died—37 million living with HIV

When to start HIV Treatment?
• First advice: start late because drugs expensive, high side effects, unclear benefit
• Series of RCTs show health benefits of earlier start
• Prevents HIV transmission
• Paradigm shifts in treatment

CD4 Count: Measure of Immune Damage
200 → 350 → 500 → Treat All
HIV, case in point

pieces for rapid, universal translation of science into policy:

- **Evidence**: Billions $ on RCTs, Enrolled Tens of Thousands, Dozens of Countries
  Economists show “cost effective”

- **Dissemination**: WHO recommendations, Entire UN Agency (UNAIDS), UN High Level Meeting

- **Funding**: $7 Billion per year in aid
HIV Treatment Guidelines as of Jan 2017
Figure 2: HIV Policy Evolution in Example Countries 2002-2016

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Feb 2012: Treat all
Feb 2017: Treat all
Methodology

1. Coding HIV Guidelines

- Constructed a database of national HIV treatment guidelines through monthly Internet searches, direct requests to experts and program managers, and unsolicited submissions.

- 290 published national ART guidelines for adults and adolescents from 122 countries (98% of the global HIV burden)

  Extracted:
  - (a) date i.e. month and year of publication
  - (b) antiretroviral therapy (ART) eligibility criteria for asymptomatic people living with HIV.

- DV = Calculated the time difference in months between when WHO recommended a CD4 initiation and national policy adoption

  (Higher values represent slower adopters)

2. Qualitative process tracing: 25 intvws, 12 countr

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<th>Table 1: Countries Sampled by Systemic Differences</th>
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<td>Sources: (UNAIDS 2016; World Bank 2017; Institute of Medicine 2013; Murray and Frenk 2010)</td>
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A Political Economy of HIV Treatment Policy: is variation systematic?

“Evidence based medicine”: Policymakers act rationally on evidence.

**Agenda setting**: large sectors of the population, media attention, etc. should generate “urgency”.

**Economics**: poorer countries will not adopt or adopt more slowly because they simply cannot afford the cost of implementation.

**Garbage Can Model**: policymaking is simply so complex that it is impossible to move toward convergence or predicting which countries will rapidly adopt (Cohen, March, Olson) (also seemingly where many policy agencies stand).

**Statistical analysis**
- Cox proportional hazard model to model guideline adoption

**IVs**
- **Disease Burden/Need**: HIV prevalence
- **Wealth**: GDP per capita
- **Democracy**: polity score
- **Structure of government**: veto points (checks) from IADP political institutions database
- **Ethnolinguistic Fractionalization**: (Alessina)
Speed of adoption of HIV treatment guidelines (Cox Proportional Hazard Model)

- Ethnolinguistic fractionalization
- Veto Points
- Democracy
- HIV Prevalence (%)
- GDP (per capita)

n: 237  country-level clustered standard errors
ph test: 0.00  control for GL: yes
Expected factors do not have an effect

- **Disease burden**
  No statistical significance, interviewees report no consideration of relative prevalence

- **Evidence is considered**
  Interviewees all reported, without exception, a discussion of the medical evidence. Some interviewees reported slight differences in how countries weighed the evidence, especially during earlier guidelines writing, by the time the WHO changed its guidelines the science was clear.

- **Wealth & cost effectiveness**
  GDP/pc not significant. In interviews only some guidelines processes considered cost. Low income countries always considered cost, wealthy countries rarely. Rarely formal Cost-Bene, mostly political in LICs.

- **Democracy**
  Not significant. Qual: guidelines are not legislated, bureaucratic, electeds play idiosyncratic role. Information flows even in non-democracy (e.g. Thailand fast mover under military govt)
Structure of government

Veto points
Speed of adoption of HIV treatment guidelines (Cox Proportional Hazard Model)

Veto Points *

Slower Faster

n: 237 country-level clustered standard errors
ph test: 0.00 control for GL: yes
Structure of government

Veto points: strongly associated with faster policy adoption.

1 veto point (Moldova, Angola; etc.) → 6 veto points (Denmark; Iraq)
= 40% faster adoption

Counterintuitive but previous point: bureaucratic process, veto points empower political and social minorities

“We count on a few politicos who will pick up the phone to make sure the HHS process is moving.”
   -AIDS policy NGO leader, USA (high veto points)

“The sectors engaged are the Ministry of Health and Ministry of Finance as well as some development partners. No, parliamentarians do not play a role. Civil society is consulted but the decision is taken by experts inside the Ministry.”
   –HIV program manager, Rwanda (low veto points)
Social structures matter—racial & ethnic stratification slows adoption

Impact is large and significant

**no** ethno-linguistic fractionalization (e.g. the Maldives, Japan and South Korea come close) → **full** fractionalization (Papua New Guinea is closest at 0.984, Uganda and Tanzania high) → slow down by 62.5%, *ceteris paribus*

Adds to evidence that ethnic divisions undermine public goods and policy coordination.
The role of WHO and other international actors: push and pull

WHO, Global Fund, PEPFAR are powerful players
Mixed impact: Provided funds, but GF opposed ART for all in lower income countries WHO was slower than IAS or HHS

North: WHO mattered not at all, South it was critical

“How can I tell the ministry of Finance that we want to do more than the WHO says?” -AIDS leader, Swaziland
Conclusion

Limitations: Cover 108 countries, but are nonetheless and represent a short period of time, since comparable guidelines are only available for the past approximately 15 years. Our qualitative data make up for some of these limitations, but is also limited in reach to 12 countries.

Conclusion: the institutional political economy of countries is a stronger and more robust predictor of health policy diffusion than either disease burden or national wealth.
- systematic, rather than random
- veto players counterintuitive but important
- new approach is needed by agencies such as the WHO and UNAIDS.
Learnings for global health policy surveillance

Challenges

• No central repository
• Translation of languages
• Translation of concepts
• What constitutes “the policy”? 
• Unwritten policies

Key questions

• How much weight to government report/survey? 
• Can we compare dissimilar countries? Not like states

New & different literatures

• Use comparative politics, comparative law, political economy to do cross-national work

What Policy Surveillance brings to Global Health

• We can evaluate policy as an intervention.
• We can also explore why some countries adopt evidence-based policies faster to help craft political adoption strategies.

What Global Health brings to Policy Surveillance

• Bigger differences in political systems to understand how policy works
Thank you

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O’Neill Institute for National & Global Health Law

Matthew.Kavanagh@georgetown.edu
From Evaluation of the Law to Policy Surveillance: A Swiss Perspective

Prof. Dominique Sprumont
Deputy Director
Institute of Health Law
University of Neuchâtel
Switzerland

Global Policy Surveillance, February 11, 2019
Evaluating the effectiveness of the law: A Constitutional Mandate

Art. 170 Examinaziun da l'efficacitad
L'Assamblea federala procura per l'examinaziun da l'efficacitad da las mesiras da la Confederaziun.

Art. 170 Verifica dell'efficacia
L'Assemblea federale provvede a verificare l'efficacia dei provvedimenti della Confederazione.

Art. 170 Evaluation de l'efficacité
L'Assemblée fédérale veille à ce que l'efficacité des mesures prises par la Confédération fasse l'objet d'une évaluation.

Art. 170 Überprüfung der Wirksamkeit
Die Bundesversammlung sorgt dafür, dass die Massnahmen des Bundes auf ihre Wirksamkeit überprüft werden.

Art. 170 Evaluation of effectiveness
The Federal Assembly shall ensure that federal measures are evaluated with regard to their effectiveness.
Comparative and International Law Analysis: A Central Element of the Legislative Process

Comparative and International Law Analysis: A Central Element of the Legislative Process

Übersicht

Verzeichnis der Abkürzungen

1 Grundzüge der Vorlage

1.1 Ausgangslage

1.1.1 Gesundheitspolitische Bedeutung

1.1.2 Das geltende Epidemiengesetz

1.1.3 Mängel im geltenden Recht

1.1.4 Anlass für die Neuregelung

1.2 Ergebnius des Vorverfahrens

1.2.1 Ergebnis des Vernehmlassungsverfahrens

1.2.2 Überarbeitung des Vorentwurfs

1.3 Die beantragte Neuregelung

1.3.1 Überblick

1.3.2 Steuerungs- und Koordinationsinstrumente

1.3.3 Aufgabenteilung und Zusammenarbeit zwischen Bund und Kantonen

1.3.4 Erkennung und Überwachung, Verhütung und Bekämpfung

1.3.5 Weitere Aspekte

1.4 Begründung und Beurteilung der vorgeschlagenen Lösung

1.5 Abstimmung von Aufgaben und Finanzen

1.6 Rechtsvergleich und Verhältnis zum europäischen Recht

1.6.1 Rechtsvergleich

1.6.2 Verhältnis zum europäischen Recht

1.7 Bundesgesetzgebung

1.7.1 Lebensmittel

1.7.2 Tierseuchen

1.7.3 Krankenversicherung

1.7.4 Heilmittel

1.7.5 Prävention und Gesundheitsförderung

1.8 Umsetzung

2 Erläuterungen zu den einzelnen Artikeln

2.1 1. Kapitel: Allgemeine Bestimmungen und Grundsätze

2.2 2. Kapitel: Information und Informationsaustausch

2.3 3. Kapitel: Erkennung und Überwachung

2.3.1 1. Abschnitt: Meldungen

2.3.2 2. Abschnitt: Laboratorien

2.4 4. Kapitel: Verhütung

2.4.1 1. Abschnitt: Allgemeine Verhütungsmaßnahmen

2.4.2 2. Abschnitt: Impfungen

2.4.3 3. Abschnitt: Biologische Sicherheit

Working in a multilingual and multilegal reality

• With 27 legislative systems (not including the largest cities), Swiss lawyers have a high likelihood to contribute in a legislative process

• They are used to conducting a comparative and international legal analysis (benchmarking) in a multilingual and multilegal environment
Do what I say not what I do (or is it the opposite?)

• This is common practice to work in a multilingual, multicultural and multilegal environment, to compare a variety of legal thinking and to evaluate current legislation in comparison with other legal systems.

• Yet this is not policy surveillance
Do what I say not what I do (or is it the opposite?)

- The current practice of evaluating legislation lacks systematic and methodology to be considered policy surveillance

- Yet, public health in Switzerland and in Europe would highly benefit from introducing policy surveillance
The step forward: what challenges?

• Variety of legal systems
• Multilingual environment (English is a problem for a rigorous scientific approach at the international level)
• Multicultural environment
• Limited expertise in policy surveillance?
  – Pilot project on the implementation of IRH in 4 countries from WHO Euro (Switzerland, Serbia, Georgia, Kirgystan)
Merci de votre attention
Exploring Policy Surveillance 2019
Webinar Series

Global Policy Surveillance: Challenges and Opportunities

Willetta Waisath, MPH
WOLRD Policy Analysis Center
Fielding School of Public Health
University of California, Los Angeles
Collectively, we have made excellent progress on outcome indicators, but much less data has been available on global laws and policies.

Laws and policies:

- are immediate levers leaders can move
- provide a necessary, if not sufficient, first step to improving implementation
- strengthen the work of civil society to promote effective realization of health, development, and well-being
- enable rigorous techniques to measure impact and inform evidence-based policy decisions
The WORLD Policy Analysis Center (WORLD) creates quantitatively comparable databases by collecting and analyzing legislation and policies for all 193 UN member states.

With partners, WORLD:

- Undertakes rigorous analyses of policy effectiveness
- Facilitates comparative studies of policy progress
- Informs policy debates
- Advances accountability efforts
Topic Selection:

- Areas with **research evidence** demonstrating their importance
- Areas with widespread **global consensus** on their value
- Areas where we don’t know what works but have a **valid causal theory**
- Areas with a **lack of global policy** knowledge

Sources:

- **Primary national legal sources** (e.g. constitutional texts, original legislation) from global compendiums
- **Secondary sources** (e.g. country reports to the UN) to clarify, complement, or corroborate
Coding in original languages: Research team fluent in 5 of the 6 official UN languages and several additional ones

Review source materials for each individual country in a **systematic, consistent, and comparative** way

Quality checks:
- Double coding; reconciling
- Database cleaning
- Verification of outliers
- Periodic updates
- Feedback from countries/regions
Overview of WORLD Priority Areas

WORLD makes available quantitatively comparable data on more than 1,500 laws and policies in 193 countries affecting human health, development, well-being, and equity, including:

- Health
- Disability
- Poverty
- Education
- Gender
- Migration
- Childhood
- Families
- Child Labor
- Equal Rights and Discrimination
- Adult Labor and Working Conditions
- Environment
- Aging
- Marriage
Moving from Data to Action

1. Collect Policy Data
2. Link Policy Data to Outcome Data
3. Share Findings with Decision-makers
Is paid leave available to mothers of infants?

Source: WORLD Policy Analysis Center, Adult Labor Database, 2015/2016
Overview of Global Micro Data

WORLD’s partners at the Townsend Centre for International Poverty Research in Bristol, UK have harmonized social survey data at individual and household level from 1990 to 2014, in areas including:

Core variables:
- Individual demographics
- Individual relationships
- Physical characteristics
- Household structure
- Head of household
- Household consumer durables & assets
- Household facilities
- Employment
- Education
- Health: child
- Health care: children

Derived variables:
- Adult health
- Health care: adult
- Antenatal care
- Delivery & postnatal care
- Knowledge of AIDS
- Access to information
- Birth & child id variables
- Date & id variables
- Weight
- Women's autonomy/status
- Child birth order
- Physical characteristics
- Household structure
- Employment
- Education
- Health: child
- Health care: children
- Adult health
- Health care: adult
- Antenatal care
- Delivery & postnatal care
- Knowledge of AIDS
- Access to information
- Women's autonomy/status
Global Data Coverage

1,500+ Law and Policy Indicators for 193 Countries
Harmonized DHS/MICS Surveys for ~4.6 Million Individuals on
health, employment, poverty/deprivation, education, income and expenditures.
Findings on Paid Maternity Leave and Infant Mortality

- Examining the effects of **paid maternity leave duration** on **infant death**
  - 282,751 births in 20 LMICs (years 2000-2007)

- Findings
  - Extending the duration of paid maternity leave decreased the probability of infant death.
  - Each additional month of paid maternity leave led to **7.9 fewer infant deaths** per 1,000 live births, reflecting a 14% reduction relative to the mean.

Global Data and Research Partnerships

- Harvard Law School Project on Disability
  United States
- Townsend Centre for International Poverty Research
  United Kingdom
- University of Gothenburg
  Sweden
- UN Research Institute for Social Development
  Switzerland
- UNICEF Innocenti Research Centre
  Italy
- Institute for Health and Social Policy
  Canada
- WORLD Policy Analysis Center
  United States
- International Association of National Public Health Institutes
  Mexico
- Instituto Nacional de Salud Pública
  Mexico
- Cayetano Heredia University
  Peru
- Africa Child Policy Forum
  Ethiopia
- The Centre for Public Policy
  India
- The University of The Witwatersrand
  South Africa
- Peking University
  China
- BRAC
  Bangladesh
- Harvard Law School Project on Disability
  United States
Working in Partnership with Civil Society
Collaborations on Global Gender Data Efforts
Joint Production of Materials

It is important to note that many countries have good laws that protect children from exploitation, but they lack enforcement. A legal framework for protection is an important first step in safeguarding children. Major exceptions exist. For example, in the U.S., a 12-year-old in agriculture can work unlimited hours as long as school is not in session during those hours.

This infographic has been developed by our program partner the World Policy Analysis Center at UCLA's Fielding School of Public Health.

[When the map appears, you may click on it to see a larger version.]
Engaging in Conversations on Social Media

Twitter chat: What are the barriers to global gender equality?

BY NORA DALY
March 12, 2015 at 4:30 PM EDT

Does the constitution take any approach to gender equality?

In 1995, the Beijing Declaration and Platform for Action was adopted at the UN’s Fourth World Conference on Women. This document set the agenda for the promotion of gender equality.

Twitter Chat: How do constitutions address sexual orientation and gender identity?

BY JACLYN DIAZ AND CORINNE SEGAL
June 29, 2016 at 1:30 PM EDT

A gay rights activist holds a rainbow flag while marching in downtown Belgrade in September 2013. Photo by Marko Djurica/Reuters

This week marks the one-year anniversary of the Supreme Court ruling that made same-sex marriage a right for U.S. citizens.

But the state of LGBT rights varies by location, a new report from
Knowledge Exchange

Multi-lingual Webinars

Social Watch
Poverty Eradication and Gender Justice

WORLD Policy Analysis Center

Webinar: Role of Social Watch in Advocacy

Advocates for social justice require tools and measures to track country performance and promote accountability and policy change. The UCLA World Policy Analysis Center (WORLD) has collected data on laws and policies in 103 countries relevant to the priority objectives of Social Watch and member groups, including gender equity, the eradication of poverty, and factors that shape poverty such as labor conditions and educational policies. Our findings related to policies affecting children have been translated into user-friendly maps, which are available on our public website (http://childrenresources.org). This data allows advocates to see how their country compares to others in implementing legislation and policies aimed at reducing poverty and guaranteeing gender equity. It also provides the tools to hold countries accountable to their international commitments.

This June, WORLD is offering a unique opportunity for member organizations of Social Watch to learn about this new data source and its potential uses through an informative webinar and discussion with Dr. Jody Heymann, Dean of the UCLA Fielding School of Public Health and Director of the World Policy Analysis Center (for more information: http://world.policy.ucla.edu/about/staff/jody-heymann), and colleagues at the Center. This webinar will provide an overview of the new data available through WORLD and how these can be accessed, as well as sample findings in the areas of:

- Poverty reduction policy (e.g., minimum wage, cash benefits),
- Gender equity protections (e.g., constitutional guarantees of equity, disparities in the minimum age of marriage for girls and boys),
- and other key areas such as working conditions and education policy.

During the webinar, we will discuss the need for transparent and quantitatively comparable measures to assess whether countries have legislation and policies in place to reduce poverty and protect gender equity. We will provide an interactive overview of our free, publicly available website, featuring maps that show legislation and policies in a format that is easily accessible and allows for international and inter-regional comparisons. At the end of the webinar, there will be a question and answer period during which we will also welcome feedback about the data and ideas for its potential utility.

Webinar will take place in English, French, and Spanish according to the following schedule:

English: Thursday, 27 June, 2013 – 15:00-16:00 UTC
French: Friday, 28 June, 2013 – 17:00-18:00 UTC

To register for a webinar, please complete the form at this link: http://goo.gl/KFyyc.

To find the webinar in your browser, please go to:

http://www.socialwatch.org/node/15996

CRINMail 1403

The Week in Children's Rights

CRINMail 1403

In this issue:

- Child policy data: Realising the promises of the CRC
- Access to justice for children in Saint Kitts and Nevis
- Upcoming events

Realising the Promises of the CRC:
A Modern Approach to Transparency and Accountability

Is there a simple way for advocates, governments and researchers to determine whether child-related policies worldwide adhere to the provisions of the UN Convention on the Rights of the Child (CRC)? The question is especially pertinent as we near the 25th anniversary of the CRC. According to this week's CRINMail, a look at how a monitoring mechanism that allows for comparative analysis of national policies can fill critical information gaps.

In this week's edition, we welcome our guest editors Amy Roach, Akiko Spreng and Jody Heymann from the World Policy Analysis Center at the UCLA Fielding School of Public Health. As part of their research, they asked what tools governments and policymakers used to translate international agreements into national legal frameworks. Were we then improving and where do gaps persist? What would a 21st century approach to increased transparency and accountability look like? Several of the issues addressed include children's right to education, child labour and child marriage.
Global Workshops & Civil Society Convenings
A Diversity of Online Tools

Different materials for different audiences

Gender Maps
Gender Factsheets
Gender Policy Briefs
Gender Data Download
Gender Infographics
Global Policy Research: Challenges and Solutions

- Applying our methodology to countries with federal systems

- Developing systematic methodologies to capture provisions outlined in varied legislative or policy sources across countries (i.e. national constitutions, legislation, policy, regulations)
  - Migration database
  - Education database
Global Policy Research: Future Opportunities

- Increased opportunities to incorporate policy data in monitoring global agreements
- Greater capacity for rigorous, policy-to-outcome analyses to assess what works
- Expanded partnerships for impact across sectors
The WORLD Policy Analysis Center provides access to global research, data, and maps for sharing ideas and resources on social policies from around the world.
How to use WebEx Q&A

1. Open the Q&A panel by clicking the “…” button on the bottom of the screen and selecting “Q&A”
2. Select “All Panelists”
3. Type your question
4. Click “Send”
Thank You!

Join us March 12 at 1:00 p.m. ET for our next webinar:

Local Policy Surveillance: Challenges and Opportunities

Register at bit.ly/ExplorePS19