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Social Contracting, Civil Society, and HIV

Harnessing government support for civil society's role in HIV care, treatment, and support



Our Speakers



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Introduction

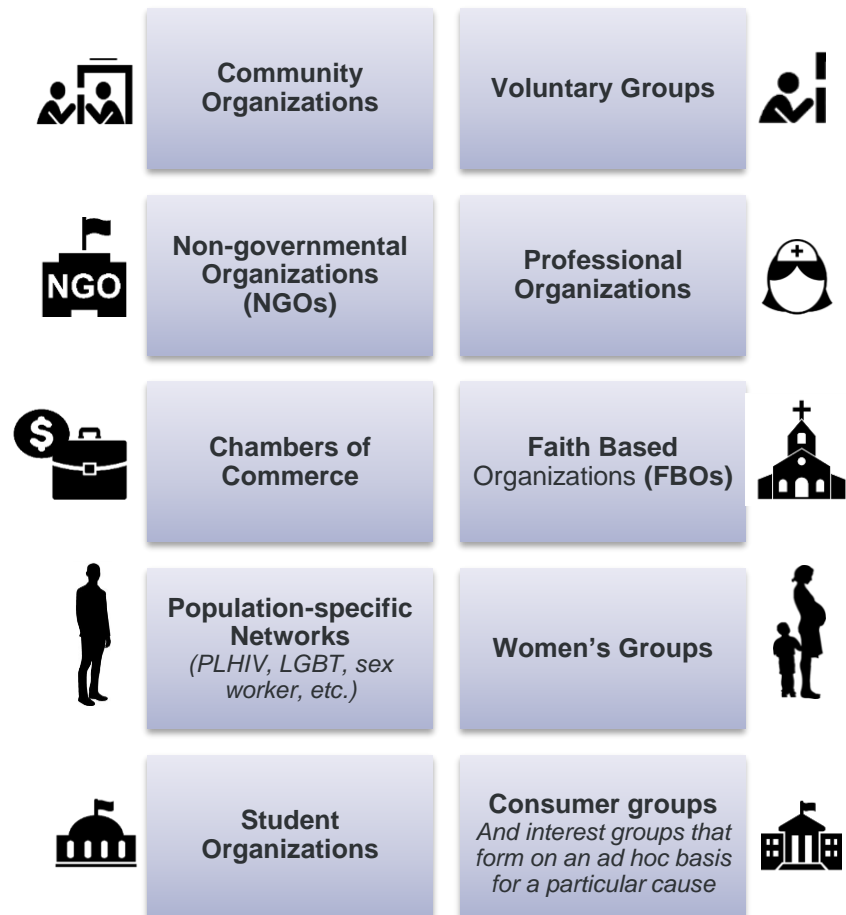
Debbie Kaliei, USAID, Office of HIV and AIDS

Critical Role of Civil Society Organizations (CSOs) in Sustained Epidemic Control

Stable, meaningful **partnerships between governments and CSOs enhance achievement of the overall HIV response:**

- CSO-government partnership can bring **cost-savings and more efficient service delivery:**
 - CSOs can operate with lower overhead and more flexibility in their approach
- CSOs can **reach populations that governments struggle to reach**
 - CSOs are better positioned to work with politically unpopular and/or those who might not use public facilities
- CSO involvement can **bolster retention** in and effectiveness of government-provided services across an entire continuum of care (e.g. medication adherence, psychosocial, vocational support)
- Most **transitioning countries have HIV epidemics concentrated amongst key populations**

What are CSOs?

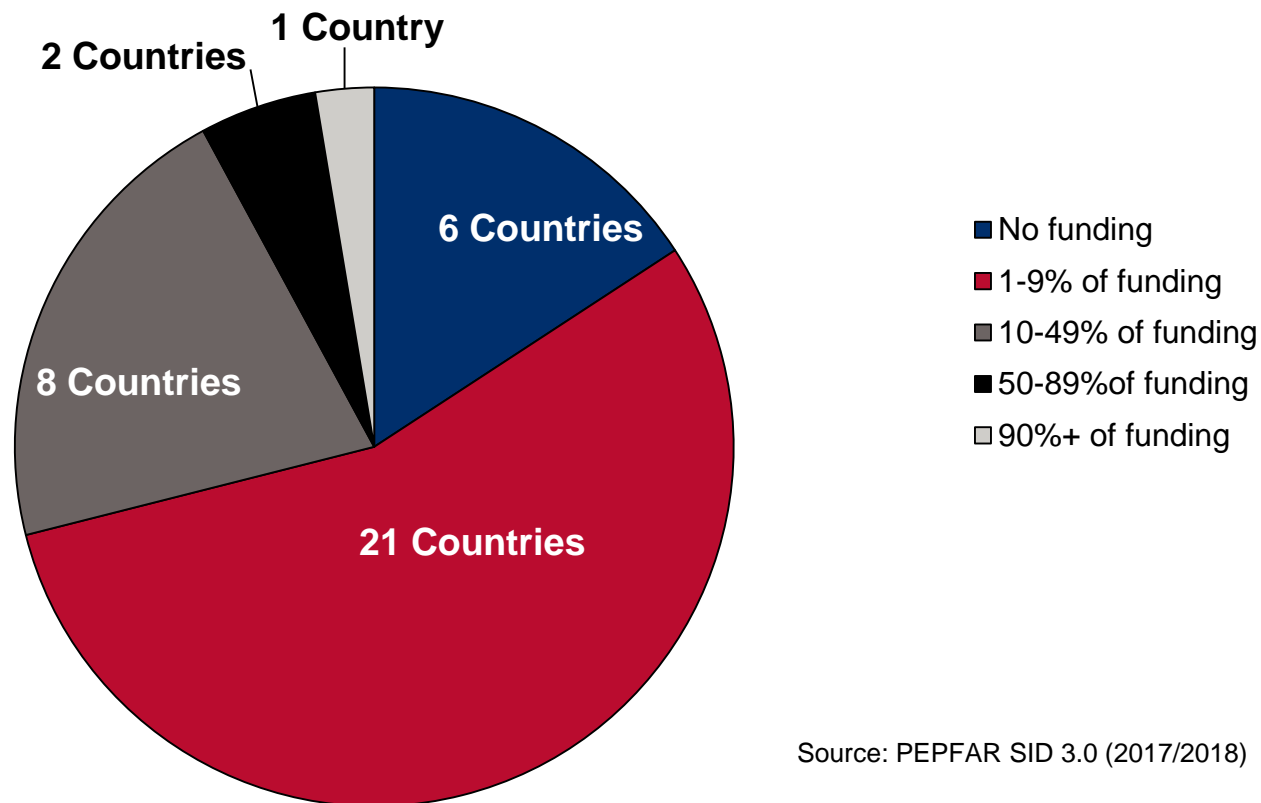


Definition of Social Contracting

“The process by which government resources are used to fund entities which are not part of government (called here civil society organizations, or CSOs) to provide health services which the government has a responsibility to provide, in order to assure the health of its citizenry.”

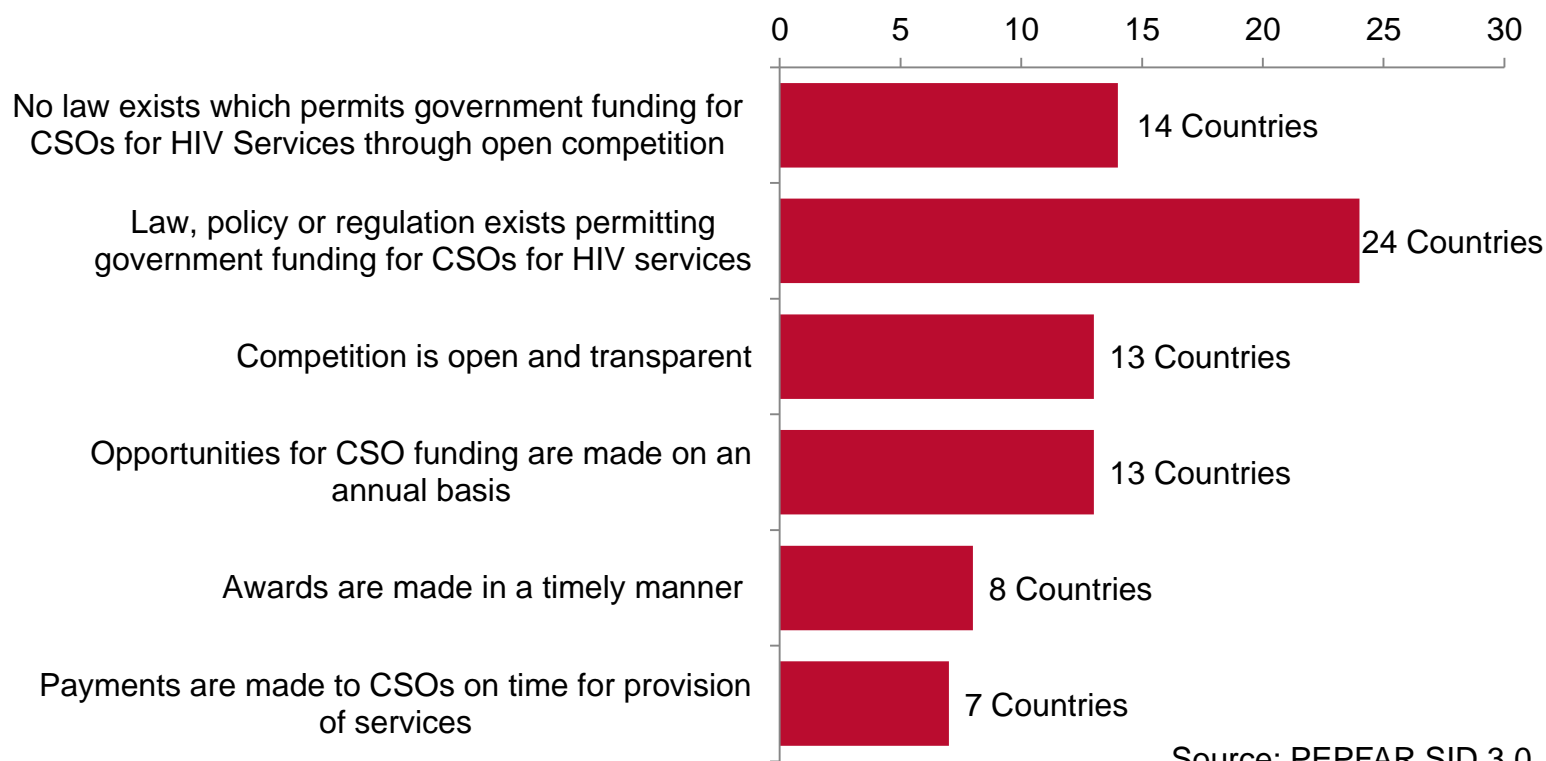
(There are many definitions of social contracting, this is a working definition for the purposes of today's discussion.)

Domestic Financing for HIV and AIDS Related CSOs



In PEPFAR countries, 71% of CSOs receive less than 10% of their funding from domestic resources.

Social Contracting for CSOs in PEPFAR Countries



Source: PEPFAR SID 3.0

In PEPFAR countries, 63% of countries have some law in place to allow for public financing of CSOs for HIV services, however, many countries lack a fully-transparent or timely process.



Early Stages: How to Introduce Social Contracting as an Important Shift in a Country's Health System

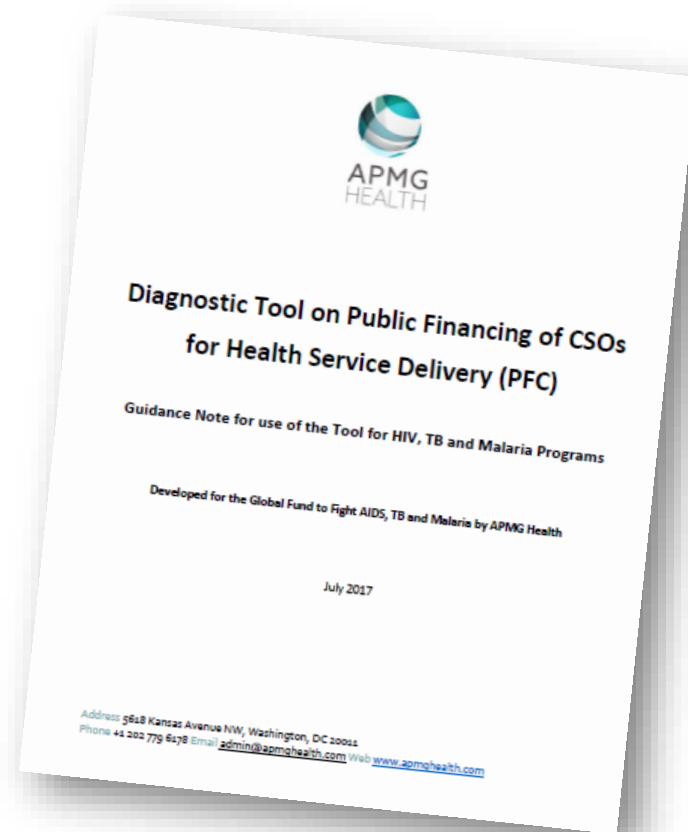
Carmen Gonzalez, Global Fund to Fight AIDS, Tuberculosis, and Malaria

Why Focus on Social Contracting?

- ✚ **For different reasons**, countries have decided/may decide to foster partnerships between the government and non-profit organizations to provide health services:
 - Recognition of the added value of CSOs:
 - They are closer to the beneficiaries and the problems they experience
 - Strong potential for innovation
 - They are more flexible and consequently more responsive to the needs of the beneficiaries
 - They can also bring additional resources and multiply the effects of the intervention by matching public funding with philanthropic funds
 - Often, they have expertise that cannot be found in the public sector
 - Limited government capacity (financial, human resources, legal/policy)
 - Decision to focus on core functions (stewardship), such as policy making, setting up standards, monitoring service quality, etc.
 - Follow international recommendations

How to Start?: Understand the Context and Need for Technical Assistance

- ✚ What is the legal and policy context for civil society and for the collaboration between Government and civil society?
- ✚ What is the legal and policy context for public funding of CSO service delivery?
- ✚ Is the public sector (at central or local level) contracting CSOs to provide services? In which sector? What is their experience?
- ✚ What is the capacity of CSOs and the public sector to set up and effectively manage service delivery contracts?
- ✚ What technical assistance the country may need to introduce/strengthen social contracting? What TA is available?



Principles / Characteristics for Social Contracting

Principles

- ▶ **Goal Oriented with Targets/Indicators**
Public funding should be allocated for clearly defined goals and priorities in line with the government policies and public health needs. Evaluation should be driven by indicators to measure the achievement of these goals
- ▶ **Free and Fair Competition-** Information is advertised as widely as possible to encourages competition among all potential applicants
- ▶ **Transparency of Process**
Application and selection procedures are clear and transparent, and provide maximum clarity and openness of the process (e.g., requirements to publish the tender, publicize the selection criteria and names of selected applicants
- ▶ **Equal Treatment of Applicants**
A set of pre-established clear and objective criteria, which ensure non-discrimination and selection of the most qualified applicant based on the merit of the proposal

Characteristics

- ▶ **Accountability Among all Parties**
Spending the allocated funds in an agreed way and with clear reporting obligation
- ▶ **Independence**
The independence of the CSO is recognized and supported. This includes its right within the law to campaign, to comment on and to challenge government policy and to determine and manage its own affairs
- ▶ **Proportionality**
Procedure for application, documentation, reporting requirements, oversight and supervision should be proportionate to the program activities and funding provided
- ▶ **Coordination and Implementation Mechanism**
A clearly defined system for ensuring use and implementation of the framework



Secondary Stage: Understanding the Legal and Regulatory Issues and Financing Challenges for Social Contracting Uptake

Nicole Judice, Health Policy Plus

Approved
by the decree of the Government
of the Kyrgyz Republic
dated December 15, 2017 No. 814

THE REGULATIONS on the procedure for holding a tender for public benefit projects when implementing state social procurement

1. General provisions

1. These Regulations establish the procedure for holding a tender for public benefit projects when implementing state social procurement in accordance with the Law of the Kyrgyz Republic "On State Social Procurement".

2. Starting from the date of the entry into legal force of the normative legal act on the approval of the corresponding budget, an authorized state body or a local self-government body in the budget of which funds for financing a program of state social procurement are provided for shall acquire the status of a state customer.

11. The assessment sheet

Project No. _____
Project name _____

Assessment criteria	Compliance level	Assessment limits (in points)	The received score for this project
1. The directionality of the suggested project for the achievement of the objectives of the announced tender			
1) The degree of the compliance of the project proposal with the subject of the announced tender	Does not comply	1-3	
	There is some non-compliance	4-6	
	Complies	7-10	
2) Clearness of the set objectives and tasks of the project	The objectives and tasks of the project are not formulated clearly and intelligibly	1-3	
	The objectives and tasks of the project are not formulated clearly and intelligibly enough	4-6	
	The objectives and tasks of the project are formulated clearly and intelligibly	7-10	
3) The feasibility of the suggested activities	The suggested activities are not feasible	1-3	
	There is some doubt regarding the feasibility of the suggested	4-6	

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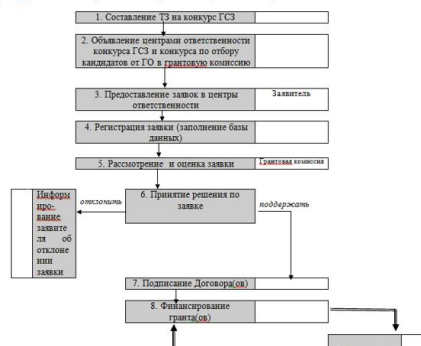
THE PROCEDURE for control, monitoring and assessment of the implementation of public benefit projects within the framework of state social procurement

1. General provisions

1. This Procedure was developed in accordance with the Law of the Kyrgyz Republic "On State Social Procurement" and defines the legal framework and conditions for exercising control, monitoring and assessment of the implementation of public benefit projects within the framework of state social procurement (hereinafter referred to as the "Procedure").

2. The purpose of exercising control, monitoring and assessment is the formation of objective assessment of the level of the implementation of public benefit projects for timely correction. Identification

Структурная схема работы по реализации ГСЗ через механизм ОПП



On State Social Procurement

This Law defines the legal, administrative and financial framework for forming, placing and realizing the state social procurement.

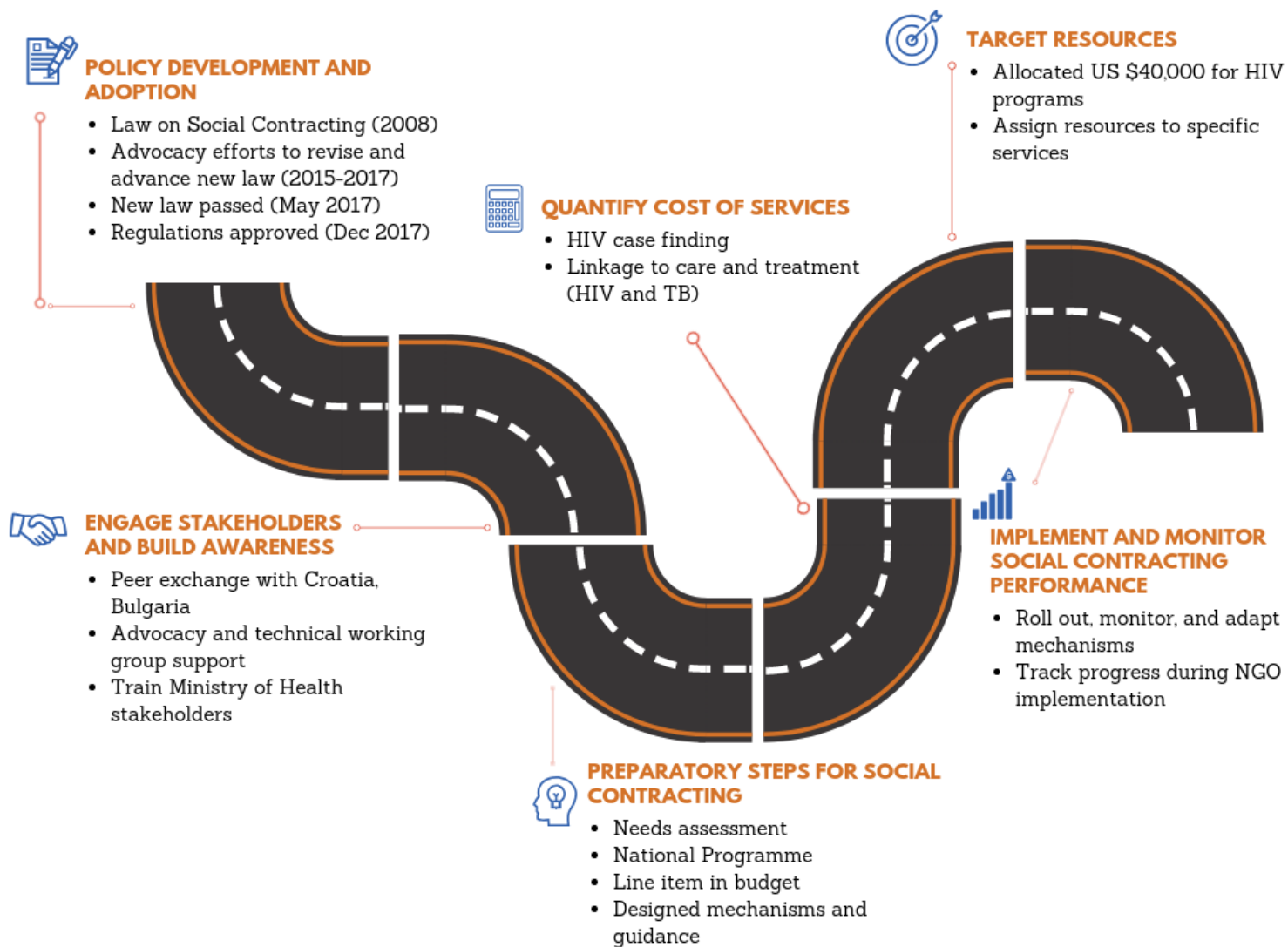
Chapter 1. General provisions

Article 1. The main terms which are used in this Law and their definitions

For the purpose of this Law, the following main terms and their definitions shall be used:

- 1) **state social procurement** - a mechanism of the implementation of a part of republican, sectoral, regional or municipal social programs directed at the provision of social services to the population or to the achievement of other public benefit objectives by means of involving legal entities and individual entrepreneurs in their realization based on contractual relationships and funded from republican and/or local budgets;
- 2) **a program of state social procurement** - a set of organizational, economic and technical measures approved by an authorized state body or a local self-government body and directed at providing social services to the population and/or the realization of public benefit projects by means of placing state social procurement.

Road to Public Financing for NGOs in Kyrgyz Republic



Challenges and Lessons Learned



POLITICAL WILL IS
ESSENTIAL AT ALL STAGES



CSO ENGAGEMENT BUILDS
TRUST AND WILLINGNESS
TO APPLY FOR
GOVERNMENT FUNDING



CONTINUOUS ADVOCACY IS
NEEDED TO ENSURE
FUNDING IS ALLOCATED
AND SPENT ON SOCIAL
CONTRACTING



IDENTIFY EFFICIENCY GAINS
TO CREATE FISCAL SPACE
FOR THESE ESSENTIAL
SERVICES



Operational Stage: The Roles of Government and Civil Society in Operationalizing Social Contracting

Experiences from Mexico

Carlos Garcia de Leon, Consultant, LAC Platform

The Role of Government and Civil Society (1)

Synergy for Provision of Services and Implementation of Combined Prevention Projects

✦ Identification of needs and definition of effective strategies

- Civil society can reach populations in contexts of risk in conditions of vulnerability, provide services and implement effective preventive strategies using their knowledge and skills in this regard

✦ Clear definition of the selection process, amounts by category, indicators and expected results based on the existing legal framework

✦ Continuous improvement of the monitoring, supervision, and evaluation of the social contracting system

Comparative Advantages of CSOs

- They are made up of the affected populations themselves
- Skills in outreach of hard-to-reach and in risk context populations
- Experience in the implementation of strategies and provision of services aimed at key populations
- Knowledge and use of the dynamics, languages, and codes of communities
- Confidence and credibility of the populations with whom they work
- Community systems strengthened with skills and capacities for the provision of services and the implementation of projects

The Role of Government and Civil Society (2)

- ✦ Development of proposal themes and guidance based on the competitive advantages of civil society organizations
- ✦ Establishment of agreements that include commitments, deadlines, and results, including conflict resolution processes
- ✦ Service provision and project implementation
- ✦ Supervision and remote monitoring given the capabilities of the national HIV program, number of projects, and geographic scope (*SMAP Monitoring of Prevention Activities System*)
- ✦ Delivery of resources and facilities for the execution of the proposals
- ✦ Accountability and transparency



- **It is necessary to carry out impact evaluation of social contracting process and it's outcomes**
(Ideally made by third parties)
- **Human rights-based and cost-effective strategies support advocacy actions before public opinion**

Tabla 1. Convocatorias Públicas del Censida (2006 a 2018)ⁱ

AÑO	CANTIDAD MXN	CANTIDAD USD	DIFERENCIA ANUAL
2006	\$28,178,923	\$2,642,220	N/A
2007	\$29,869,305	\$2,760,560	6%
2008	\$29,379,410	\$2,690,140	-2%
2009	\$25,185,418	\$1,817,960	-14%
2010	\$26,916,951	\$2,056,310	7%
2011	\$40,840,119	\$3,295,390	52%
2012	\$24,702,144	\$1,769,810	-40%
2013	\$73,192,600	\$5,630,410	196%
2014	\$98,256,350	\$7,507,780	34%
2015	\$96,775,376	\$6,565,550	-2%
2016	\$97,640,800	\$5,627,960	1%
2017	\$102,346,530	\$4,933,130	5%
2018	\$103,845,585	\$5,273,710	N/A
TOTAL	\$777,129,511	\$39,465,900	

- **The need for ADVOCACY by CSOs and government to keep annual predictable funding available for social contracting**
- **A policy that has proven to be effective is not necessarily sustainable in the long term**
- **Civil society and government must be prepared for any change in policy direction**
- **Data and analysis are tools that can be helpful in emergency advocacy actions**



Q&A



Conclusions

Nertila Tavanxhi, UNAIDS

Summary: Social Contracting At-a-Glance

- ✚ Definition: Public funding for (health) service provision by civil society
- ✚ Mainly funded through external funding – lack of legislation, systems, and mechanisms in most countries
- ✚ Three phased approach:
 - Define principles, understand challenges, operationalise
- ✚ Experience in Kyrgyzstan and Mexico:
 - Political will
 - Continuous advocacy,
 - Transparent processes with defined roles, tasks, and budgets
 - Capacity building
 - Monitoring and evaluation key to success
- ✚ UNAIDS engaging with countries at political and technical level across all elements

Useful Resources

- [Social Contracting Diagnostic Tool](#) (or 'Public Financing of CSOs for Health Service Delivery'/ PFC tool) developed by APMG Health for the Global Fund July 2017.
- [Social Contracting: Supporting Domestic Public Financing for Civil Society's Role in the HIV Response](#) This document provides an overview of what social contracting is, the social contracting process and a few examples of HP+ work in Guyana, Vietnam and Kyrgyzstan.
- [Understanding the Costs of CSO-Delivered HIV Services for Key Populations in Guyana: Policy Implications for Social Contracting](#)
- Health Policy Plus. 2018.
- [Legal and Regulatory Framework for Social Contracting in Guyana: Desk Review and Social Contracting Analysis](#), Health Policy Plus.
- [Health Policy Plus: Social Contracting: Supporting Domestic Public Financing for Civil Society's Role in the HIV Response](#) , Health Policy Plus.
- [Systematization of Country Experiences in the Contracting of Non-State Actors to Provide HIV/TB, or Malaria Services](#), APMG Health 2018.
- [Summary of the Systematization of Country Experiences in the Contracting of Non-State Actors to Provide HIV/TB, or Malaria Services](#), APMG Health August 2018.
- [A Handbook on Non-State Social Service Delivery Models](#): UNDP 2012 Case Studies from Country Experiences.
- [Towards Domestic Financing of National HIV Responses](#): Lessons Learnt from Serbia. UNDP June 2016.
- [A global consultation on Social Contracting: working towards sustainable responses to HIV, TB, and malaria through government financing of programmes implemented by civil society. October 5-6, 2017. Open Society Foundations, The Global Fund and UNDP.](#)
- [Public Funding of Civil Society and Communities in the Response to HIV and TB: Experience in six countries of Latin America and the Caribbean](#). Vialibre, August 2017.
- **NGO Social Contracting Fact Sheets- UNDP:**
 - [Country Fact Sheet - Belarus \(English\)](#) [Country Fact Sheet - Belarus \(Russian\)](#) [Country Fact Sheet – Bosnia and Herzegovina](#) [Country Fact Sheet - Kyrgyzstan \(English\)](#) [Country Fact Sheet - Kyrgyzstan \(Russian\)](#) [Country Fact Sheet - Moldova \(English\)](#) [Country Fact Sheet - Moldova \(Russian\)](#) [Country Fact Sheet – Montenegro](#) [Country Fact Sheet - Montenegro 2017 Update](#) [Country Fact Sheet – Serbia](#) [Country Fact Sheet - Serbia 2017 Update](#) [Country Fact Sheet - Tajikistan \(English\)](#) [Country Fact Sheet - Tajikistan \(Russian\)](#) [Country Fact Sheet - The FYR Macedonia](#)

Many Thanks!

+ Webinar Presenters:

- Debbie Kaliei, USAID, Office of HIV and AIDS
- Carmen Gonzalez, The Global Fund to Fight AIDS, Tuberculosis, and Malaria
- Nicole Judice, Health Policy Plus
- Carlos Garcia de Leon, Consultant, LAC Platform
- Nertila Tavanxhi, UNAIDS

+ Facilitators:

- Ron MacInnis, Health Policy Plus and the Health Policy Plus communications webinar team

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