

Feedback to improve the COPS & POART Review Structures

COP 2015 was by far the most transparent and engaging PEPFAR planning process we have seen and we congratulate PEPFAR on the start of a significant transparency transformation. Many civil society groups were engaged for the first time this year and, while the process was imperfect, their engagement made the COPS better, expanded their impact, and established a clear mechanism for CSO to play an important advocacy and watchdog role that will improve the impact of PEPFAR programs. In many countries, however, significant barriers do still exist to meaningful engagement. Given OGACs commitment to this transformation, we provide the following feedback and suggestions we hope you will consider in the development of next year's process and the PEPFAR COP/ROP 2016 Guidance.

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ON THE COPS:

- A. **Engaging both local and global civil society improves the COPS equity and epidemiologic impact.** The good news is that we saw numerous areas where issues raised by civil society changed the content of the COPS for the better. External review helped provide feedback and information PEPFAR teams didn't have or needed to focus on to improve planned responses. CSOs helped reveal data gaps, identified duplicated work, shared critical insights about geographic focus, and challenged allocation decisions that they believed were not maximizing PEPFAR's impact. This worked best where local, indigenous CSOs were empowered, given full information, and able to partner with global activists to maximize knowledge and impact.

Suggestion: Keep the process open to civil society. Continue to engage, and invite active participation from both global and local CS partners and open the annual COP reviews to external stakeholders.

- B. **The PEPFAR- civil society engagement needs clear, articulated goals. Insofar as CS does not have decision-making power (though this should change), there is need to create explicit and distinct procedures that are appropriate for open, diverse, wide-ranging input gathering rather than consensus.**

We believe that PEPFAR should move to increase governance by affected communities as fully as possible. However as currently stands CSOs do not have the power to make funding and programmatic decisions—instead decision-making authority lies fully with the U.S. government. So long as this is true, it makes the goals very different than other processes such as the Global Fund CCM and national AIDS processes. The purpose, then, is twofold: 1) for CSOs to provide share important, ground-level knowledge of community needs with PEPFAR that USG does not otherwise have; and 2) to advocate strongly for the priorities of and for affected communities to power holders. In such settings, the purpose is not to limit access in order to make decisions, but instead to expand access to wide, diverse communities—especially those marginalized by identity and geography.

Suggestion: The PEPFAR input process can gain significant efficiency by engaging Global Fund CCMs and national processes already in place. However it will still be necessary to create different processes for those who are not part of other processes. Information should be shared widely, meetings should be open rather than representative. Insofar as smaller groups are desirable, they can be convened on specific topics, by region, by grouping, etc. rather than by limiting access to only a small group.

Country teams should anticipate and take steps to incorporate potential tensions between some CS voices – particularly those representing marginalized key populations groups – and more established external stakeholders like Ministries of Health and large implementing partner NGOs, with the goal of increasing rather than stifling input and dialogue.

C. **Getting Plans Late Undermined Country-Level Engagement.** As is clear to all, COP 2015 moved on an extremely accelerated timeline and got a late start. While this was necessary to support rapid change this year, it had significant costs for the engagement process. Most centrally:

- nearly every country held all of their consultations *before* the strategic direction summary was drafted; and then
- civil society only saw the substance of plans *after* it was submitted—receiving the SDSs at a point at which country-level dialogues were over.

As a result many of the consultations that occurred at country level lacked depth—focusing on the broadest brush issues instead of delving deeper into the specific decisions actually faced by PEPFAR, which is not starting from scratch. There were a few countries where draft plans were shared in advance—USG provided elements like the list of sites, cut off points, draft targets, draft budgets, and epi data before submission. Where this happened, real substantive conversations happened at country level and by the time they reached the COP review the conversations were deep, specific, and really wrestled with the key questions at hand.

For many countries, however, much of the most important feedback only came in the weeks leading up to the global review once CSOs had actually seen the SDS. At that point, the only further impact point was the global reviews—which made the process more contentious than necessary as country teams were nervous about feedback reaching OGAC at the same time it reached them.

Suggestion: Overall the COPS process should start much earlier to enable PEPFAR staff to have time for better consultation.

The draft SDS should be shared one month before submission at country level so that much of the substantive conversation about the actual plan can be held between country teams and national CSO leaders. Written feedback can then be submitted in time for USG teams to incorporate changes before submission instead of only during the reviews.

D. **Clarity on which information can be shared with CSOs**

Teams seemed quite unclear on what information could or should be shared with CSOs on what timeline. In other countries CSOs had access to information which was not available to CSOs in other countries at the same time. We suggest making this more explicit.

E. **The regional review sessions were seen as helpful by most groups, but can be strengthened to avoid tokenistic interaction experienced by some.** Overall the addition of the regional reviews and CSO participation in them was a major step forward—bringing CS perspectives into decision-making rooms. Overall we strongly support continuing with them next year. They worked best where there was a strong alliance between national CSOs and at least one global CS partner who could work together to make effective use of the space. CSOs from some countries, however, found the process frustrating and tokenizing. Chairs and PEPFAR teams operated quite differently from country to country in terms of how much real conversation was had.

Actual time with the teams was quite short and some country teams took up almost all of it with presentations to CSOs, which could have been made at home, leaving little or no room for substantive conversation. It was also an intimidating setting for CSOs, who were outnumbered by huge margins and had maybe one or two opportunities each to speak, which made the stakes very high.

Suggestion: Continue the regional reviews and continue to invite both national and global CSOs—ideally partnering them by country. Making the reviews smaller, as planned, will help some. Some time for CSOs to meet with each other across countries would be helpful.

As much of the prep as possible should happen *before* the discussions with teams. For example, presentations and basic q&a of plans could be made by *one* member of the PEPFAR team to CSOs while the others continue their work, which would then be followed by discussion—ensuring the interaction between the team and CS is a *substantive discussion*.

Chairs should work together to standardize the process and ensure as much substantive back-and-forth is possible. The teams should be helped to understand that CSOs are being asked to *participate*: review, challenge, and ask hard questions to improve the plans, not just come together to receive an update that can be done at home.

F. Despite guidance to the contrary, in some countries PEPFAR teams continue to consult and share meaningful information with only a small select group—or only through structures that are poorly suited for PEPFAR.

It is important to differentiate between the engagement goals of PEPFAR and those of, for example, the Global Fund CCM. The CCM is a decision-making body, and therefore has elected membership. PEPFAR decisions, on the other hand, are still completely made by USG officials. Someday this should or could change. In the meantime, however, it means PEPFAR's interest is in consulting broadly and getting insights from a range of people. Especially important are activists not funded by PEPFAR and key population groups—both of which were not included in some of the most meaningful dialogues in a few countries.

Suggestion: Make it clear to countries that real, substantive, iterative dialogues should be open to all and held with a range of stakeholders. This does not mean simply inviting them to a PEPFAR powerpoint presentation, but engaging them in dialogue, responding to critiques, etc. This may require a series of smaller meetings with groups.

G. Bring together COPS, DREAMS, ACT, LCI, etc.

Processes and funding streams not covered by the COP but warranting civil society engagement at the same level of the COP engagement need to be structured to facilitate that exchange and make linkages between these overlapping agendas. DREAMS, LCI and other specific initiatives have sometimes involved ad-hoc civil society consultation with both local and international groups and often, this year, has not—with DREAMS being a notable example.

Suggestion: Streamlining the dialogues, ensuring that civil society is aware of who is being invited to consult on specific issues, and ensuring that the same quality of input into plans, targets and delivery models is obtained from civil society across issues will be important going forward.

H. There are several substantiated examples of retaliation against activists who were seen as “troublemakers” for raising uncomfortable issues. This has to be addressed going forward.

In multiple countries, US government staff took steps against civil society activists who challenged PEPFAR’s process and outcomes. In each case these are skilled activists who were respectful and informed, yet challenged PEPFAR staff to be more responsive, provide more information, and make changes in response to community priorities even when USG staff preferred not to. In response, USG staff took actions such as excluding them from communication, calling their superiors to complain, and speaking badly about them to other civil society members.

Suggestion: We suggest two steps. 1) Ensuring this is actively addressed in the COPS training process this year and 2) Identifying an ombudsman or liason, perhaps even outside of the USG, whose contact information can be shared

I. Transparency of Implementing Partners could be improved by simply making the names of organizations and main programs implemented publicly and prominently available to civil society. Often CS report that they are not clear what is or is not funded by PEPFAR, which makes it harder for CSOs to both provide feedback on what could improve and to help watchdog and monitor services.

Suggestion: A clear public description of which IPs are providing which services in which regions would enable CS to be better partners.

J. There is an especially important need for independent civil society groups who do not receive PEPFAR funding to be engaged alongside those who may. PEPFAR is the largest single donor on HIV/AIDS in most of the countries where it works— dwarfing other sources of funding. If PEPFAR is serious about receiving unvarnished useful feedback it needs to recognize this reality. It is very hard for groups to challenge the practices of major funders. This makes open processes especially important and work to identify groups who are not directly supported by PEPFAR urgent.

K. Engage Civil Society in the Development of COP Guidance. While the COP review process has been significantly opened up to involve civil society organizations, we also recognize that much of the content of the COPs is pre-determined by the COP guidance issued each year. Because the role the COP guidance plays in determining policies and priorities for PEPFAR at the country level, we believe that the development of the COP guidance at OGAC should likewise be open to civil society review and engagement prior to it being finalized.

Suggestion: Publicly publish draft COP Guidance for comment 1 to 2 months prior to it being finalized. Ensure that country teams promote the fact that the guidance has been published in draft form for comment to their networks of local civil society groups.

Requests & Feedback For the POART/Quarterly Reviews:

Many important issues raised by civil society at the country reviews were left unsettled and the POART was identified as the opportunity for course correction and further dialogue. We understand that during the quarterly reviews there will be an ongoing opportunity for civil society to access data about the PEPFAR and national response and to engage in strategic conversations with the U.S. government about ‘course corrections’ to improve performance. We welcome this opportunity and express our interest in engaging in it going forward.

To promote active engagement of civil society, we make the following suggestions:

- A. **Provide very clear guidance on process:** We know that countries are at varying levels of comfort with engaging civil society as real partners rather than checking a box.

We suggest:

1. A memo from OGAC **to CSOs** which should provide explicit information about what to expect in the quarterly reviews, including what information will be provided.
2. *Perhaps most importantly:* all information should be shared in electronic copy at least two weeks before the meeting so CSOs have a chance to review, consult with each other, and prepare feedback. We understand this is currently the plan, and appreciate this. OGAC could ensure this happens by simply being CCed on the email. Data can be marked “preliminary” or “not for distribution.” If the information is not yet ready, the meeting should be delayed. No meeting should be held in which the data is presented only in powerpoint slides for the first time that day.

We recognized that delays are often coming from national data processes—and this information could be shared with CSOs to build the civil society demand for good data from their own national systems.

3. CSOs should be asked in advance (but after they have reviewed the data) to submit specific issues or questions they hope will be addressed at the review. In this way they quarterly reviews can become iterative processes. Submitted CSO concerns/questions should (where appropriate) help shape the agenda.
4. Each context may be different in terms of precisely which format for POART meetings will work best. Specific concerns about political pressures within the country and relations with PEPFAR must drive an appropriate process. Broadly, however, we suggest a hybrid session in which:
 - a) all-comers including government and implementing partners have a chance to *review the core information and data*. In this way it cannot be said that parties have different information or are working from different assumptions; and
 - b) there are civil-society specific meetings where more private feedback can be shared, especially that which might be sensitive to IPs and government (e.g. performance issues, discrimination cases, etc.)

- c) It is especially important that smaller, community-based NGOs and activists be included. This may require additional investment by OGAC and/or country teams to make the CS representation more inclusive.

B. Ensure that at least the following is provided at each review, though with flexibility to ensure that the specific discussions in each country are shaped by the real issues faced in each country.

1. Progress against targets for ART, VMMC, Condoms, Care, OVC, etc.
2. Clinical cascade data including testing, viral load, LTFU data
3. IP and site-level performance data
4. Updates on any “transitions” including planning and follow up
5. Data relevant to services targeted towards key populations

C. Make it clear what is expected of civil society in attendance: CSOs will be clearer on their role if they are asked to ensure they send someone who has:

1. reviewed the documents provided
2. spoken with colleagues to gather answers to key questions [that the PEPFAR country team would identify]
3. identify priority issues for discussion one week ahead of time

Assuming the CSO meeting happens before the USG meeting:

D. Make it clear that PEPFAR teams are to engage CSOs in the real discussions being held by PEPFAR by identifying the major agenda items that will be discussed in the OGAC/COUNTRY TEAM POART meeting for CSOs to consider. We understand that the POART is primarily a USG process to provide better oversight and communication. We also know that too often consultation with CSOs has not actually addressed the real questions that are being debated within the USG. To fix this problem, we suggest that teams come up with an agenda for the USG-POART meeting ahead of time and share it with CSOs. Not all issues will be of particular import to CSOs, but where they are this will give CSOs a chance ahead of time to feedback to the country team about their perspectives—adding information, insights, and opinions about the direction PEPFAR should take. Where this includes questions about specific IPs, the broad questions could be tackled without naming IPs (e.g. “we are worried that some IPs in the North are not successfully bringing in key populations. Do you find this to be true? What could be done to address it?”)

E. Give CSOs a chance to add agenda items to the USG-POART meeting. At the close of each CSO POART meeting there could be a simple exercise in which PEPFAR staff review the discussions and identify which issues that have come up can be/will be tackled during the USG-POART meeting. CSOs may often have specific issues they hope can be resolved—but which require decisions/actions by USG and can be reported back to CSOs afterward.

F. Engage at OGAC in DC with CS quarterly: A DC-version of the quarterly review could be held in which global partners have the opportunity to get data updates and ask

questions about specific countries. We understand this is currently under discussion and we strongly support such a move—following a similar process to above. This would strongly improve transparency and accountability and allow helpful north-south collaboration between civil society groups.