INCREASING SOCIAL INCLUSION THROUGH SOCIAL GUARANTEES

A POLICY NOTE
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Document prepared by The Social Development Department of the World Bank, in collaboration with The Department of Social Development and Employment of the Organization of American States

1 The Fundación Nacional para la Superación de la Pobreza contributed to the preparation of previous drafts of this document
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This policy note has been prepared in response to, and in collaboration with, the Department of Social Development and Employment of the Organization of American States (OAS). It aims to serve as an input to the deliberations of the First Meeting of Ministers and High-level Authorities in Social Development of the OAS, to be held on July 9-10, 2008 in Reñaca, Chile. A draft was circulated at the Second Meeting of the Inter-American Committee on Social Development (CIDES) in Washington DC on October 23, 2007. Member States received it favorably and requested the World Bank to expand the study to other countries, especially those of the Caribbean, so as to have an information document that better represents all the regions of the Americas at the upcoming ministerial meeting.

This note is based on a series of country case studies (Bolivia, Chile, Colombia, Ecuador, Guatemala, Jamaica, Peru, Paraguay, St. Kitts and Nevis, and Uruguay) that were conducted by national researchers in collaboration with the World Bank and the Chilean Foundation for Overcoming Poverty (FUNASUPO). An analysis of the South African case was also included as a comparison, in view of South Africa's prominent experience in applying judicial methods to uphold social and economic rights. The preparatory work was supported by the OAS, the Inter-American Development Bank (IDB), the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) and the Department for International Development of the United Kingdom (DFID). More broadly, this work hopes to support cross-regional learning and contribute to the policy dialogue among international development agencies and government counterparts regarding rights-based approaches to social policy and service delivery.
I. Introduction

1. This policy note seeks to contribute to the consideration of social guarantees as tools for the design and/or monitoring of social policy and service delivery. It proposes a range of options to improve the delivery of and access to social services that can further social inclusion and democratic governance. The application of a social guarantee framework to social policy could significantly enhance the effectiveness of policy implementation in Latin America and the Caribbean, and can have a direct and positive impact on poor and vulnerable groups. This policy note is not intended as a blueprint for developing a social guarantee approach to social policy design and service delivery. Rather, it discusses the principles that could guide such undertaking, and it provides examples of how different countries have developed and implemented social programs using this approach.

Box 1: What are Social Guarantees

Social guarantees are sets of legal or administrative mechanisms that determine specific entitlements and obligations, related to certain rights, and ensure the fulfillment of those obligations on the part of the state. Social guarantees have five key characteristics: 1) they have a legal expression that results in an explicit state responsibility; 2) they are constructed in reference to a specific rights-holder; 3) they involve mechanisms of access and redress; 4) the mechanisms that they envision are defined in a precise manner; 5) they are flexible and revisable. As a result, they facilitate reducing opportunity gaps across social groups.

2. The social guarantees approach provides an innovative way forward to integrate a rights-based perspective into social policy. It moves beyond a purely normative framework to give concrete meaning to economic and social rights. This note draws on a variety of case examples in selected countries to illustrate how the concept of social guarantees can be made operational to improve lives, particularly of the poor.

3. Social policy plays a critical role in promoting inclusion and strengthening democratic governance. As such, it contributes to the realization of normative human rights commitments. This document suggests that a social guarantee approach can be used to strengthen the delivery and monitoring of social programs. It highlights the importance of understanding and building upon the existing socio-political context of each country. This foundation is essential to develop partnerships among public and private stakeholders that in turn can contribute to upgrading social programs, bridging existing social disparities, and strengthening democratic governance.

4. The implementation of a social guarantee approach reflects the social and political context of each country. In some cases, significant institutional changes have been needed in order to develop and implement a social program based on these principles. These have required broad social and fiscal agreements in order to be feasible. In other cases, the normative and institutional conditions have already been in place and what was needed were the programmatic translation of such principles and the fiscal commitments to sustain their implementation. Whichever is the context, as the cases here illustrate, to make the approach operationally relevant, it is important to simultaneously focus on a specific intervention, recognizing and drawing on the different social and economic dimensions of the specific policies and programs that are relevant for that service.
5. In social service provision over the last half-century, most nations have largely transitioned from a service delivery model based on a simple fiscal pact of taxes for services (chart A) to a more complex system (chart B). In the second model relations between the state and citizens have acquired significant new parameters. As private provision has become more significant, and acquired a recognized role in service delivery, citizens look to the state to perform a significant role in regulating this provision. The role of the state in relation to groups who cannot afford the recognized entitlements has moved in many cases from direct service provision to providing transfers which enable household to access services. Finally, at the local level communities are often engaged in ‘co-production’ of services through contributing to the provision of facilities (through community contributions to the construction and maintenance of social infrastructure, for example). This transition has raised three significant challenges that countries are still struggling to address:

- **Equity** – sectors tend to become segmented between those who access high quality private provision and those who don’t
- **Transparency** – when the state is seen as universal provider the process for standard setting is clear. The state’s side of the bargain becomes less clear as the institutional channels for provision become more diverse.
- **Accountability** – the responsibility for ensuring citizens have basic services becomes less clear. This risks undermining the relation between citizens and the state and undermining social cohesion and solidarity.

Chart A: Basis for the Social Fiscal Pact under a simple welfare state model

![Chart A: Basis for the Social Fiscal Pact under a simple welfare state model](image-url)
6. The ‘social fiscal pact’ refers simply to the understanding between state and citizens of the mutual rights and obligations of each in relation to the delivery of social policy. In short, there is a significant risk that in the transition from a welfare regime where state provision of services is the basis for the popular understanding of the state’s side of the bargain, to one where the state’s role has acquired other dimensions, the pact will become weaker due to the increasing complexity of the relationships involved. This may in turn undermine the basis of both public accountability and social cohesion. This policy notes suggests that a system of social guarantees provides a way of addressing these concerns by enabling the state to provide: a) clarity of minimum standards, which can be revised on an ongoing basis; b) a framework for equity between those who receive services from different providers (public, private, voluntary); c) a framework for redress if minimum standards are not met, and: d) a process for citizen participation in public and private provision.

**Poverty, inequity and institutional weaknesses**

7. In Latin America and the Caribbean, years of political, social and economic reforms have been accompanied by wide-ranging and enduring debates about the ability of the region in general and individual countries in particular to effectively promote social wellbeing, overcome poverty and respond adequately to citizens’ demands. As a result of either truncated social reforms or profound political and economic crises most countries in the region have experienced social unrest or discontent.

8. Latin America and the Caribbean’s democracies are permanently struggling to achieve political, social and economic coordination. Today’s challenge is to redesign policies and institutions to respond to constantly changing economic and political realities. Across the region consensus exists on the need to create formal institutions that have the capacity, effectiveness and legitimacy to make decisions, which is fundamental for achieving good governance and advancing development. At the same time, the institutional structures that support social policy across states have significant differences, rooted in each country’s distinct historic origins; hence the institutional redesign must be tailored to each unique context and history.
9. Ongoing changes, reforms and modernization need to be consolidated in order to accelerate economic growth, poverty reduction, and social inclusion. Social policies are strategic tools for achieving social development targets more efficiently. In recent years, many Latin American and Caribbean governments have allocated increasing resources to develop well-crafted poverty reduction plans and programs. However, these programs have not been fully coordinated with one another, nor have always operated in synergy with different government ministries. Overcoming this problem requires an institutional design that enhances policy coordination and evaluation, helping social programs achieve their full potential.

Inclusion and opportunities

10. Achieving economic growth and increasing income are necessary but not sufficient remedies to overcome poverty. Reducing poverty in the region also requires tackling issues of equality, justice and social cohesion. In recent years, practically all segments of the population have shown improvements in wellbeing indicators but at very uneven rates across social groups. Many recent studies demonstrate the same trends regarding the distribution of opportunities. Current policy debates in the region are informed of this reality and recognize that the problem of inequality goes above and beyond distribution of income. Reducing inequities in education, health, social protection, and housing are also crucial steps to strengthening poverty reduction across the continent.

11. Vulnerable social groups lack not only financial means but also opportunities to access essential services that enhance their capabilities as individuals and development actors. Without a guaranteed setting, in which they have ample and diverse opportunities, people from these segments of society cannot take the lead in their own development and overcome the inequalities that affect them. To that end, it is necessary to enact policies that provide protection against breaches in opportunity and create an enabling environment for the development of all citizens’ key capabilities.

Strengthening governance

12. When exercising democratic governance, states confront complex economic, social and political tensions, generated both by poverty and inequality, and by the pressures of globalization. One of the most urgent efforts to address these tensions is to deliver better governance. Social policy is a strategic tool in this regard. Good governance requires prioritizing the fulfillment of peoples’ basic needs, guaranteeing the development of their capabilities and ability to exercise their rights. Governments can provide a wide range of services to fuel this process, but the key is that they be effectively delivered to all.

13. A social guarantee approach to social policy can help to protect a country’s ability to meet citizens’ needs and develop their capabilities. In other words, social guarantees contribute to the development of citizenship and to effective participation of citizens in the democratic process, thereby ensuring that this process is indeed genuinely democratic. Policies that follow the social guarantee approach are the expression of a non-discriminatory agreement, based on the principles of equal opportunity and respect. In turn, they contribute to elevate standards of social justice and to

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2 For more details see the recently completed regional study on “Measuring Inequality of Opportunity in Latin America and the Caribbean” (The World bank 2008 Volume 1: Main Report March 13, 2008). The study highlights that many people in Latin America face difficult odds to achieve economic and social success because of circumstances beyond their control. Circumstances like gender, place of origin, ethnicity and family background have an impact on the opportunities people have.
reduce political and social risks that hamper democracy and growth. Social guarantees are minimums that society provides to all its members, ensuring their access to essential opportunities and wellbeing.

II. Building Social Guarantees

14. The rights-based approach has received growing attention in the development community. It contributes to improving the efficacy of social inclusion and poverty-reduction programs, as well as to strengthening democratic governance. This results in part from the fact that every social right relates to the satisfaction of a basic human need and supports the development of basic capabilities which contributes to each individual’s freedom of choice. The right to education, for example, satisfies the basic need to learn and comprehend the surrounding environment, and enables an individual to choose among various life alternatives and to function and develop in a creative and productive manner.

Box 2 Social Rights in the Inter-American System

Applying a rights-based approach is an effective way of carrying out and monitoring observance of international human rights treaties. In this respect, the international commitments of Latin American and Caribbean states extend beyond the Universal Declaration of Human Rights, the Millennium Development Goals and the Covenants on Civil and Political, and of Economic, Social and Cultural Rights. OAS member countries are also bound with specific human rights obligations through the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man, and the Inter-American Charter of Social Guarantees. In addition, states in the inter-American system are bound by the American Convention of Human Rights of 1969, known as the Pact of San Jose of Costa Rica, which came into effect in 1978, and by the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988, known as the Protocol of San Salvador. All these documents make general reference to the economic, social and cultural rights, and the Pact of San Jose states that their completion should be gradual.

Link between rights and social guarantees

15. Social rights are usually defined in a general and abstract manner. Therefore, in order to realize them effectively, policy-makers need to determine the operational scope of each right and the necessary actions to fulfill it. The social guarantee approach is designed precisely to assist governments in this task. Social guarantees are sets of legal and administrative mechanisms that specify entitlements and obligations that states should fulfill in order to realize a given right. For example, in order to determine whether the population is exercising the right to education, it is necessary that a set of educational services, needed to satisfy this right, are clearly defined and that society as a whole commits to providing them.

16. The difference between a right and a social guarantee lies in that the former has an abstract and ethical content, while the latter complements this abstract content with specific mechanisms that a government can put in place to realize a right. Such mechanisms may differ across countries or historical periods. For instance, some countries have determined that the right to education comprises primary education only; others have extended this right to secondary education as well. Recently, some countries have also incorporated pre-school and/or university education in their definition of an educational entitlement. This shows that the right to education can have different operational scopes.
In fact, education specialists recognize that this right is also realized informally, for example via communications and family upbringing.

17. Defining rights as a set of guaranteed services gives them concrete meaning and contributes to their realization. Countries can define entitlements in different manners to reflect the underlying political and social consensus achieved in society, the level of economic development, budgetary commitments, and institutional landscape. At the same time, defining these minimums provides a safeguard against excessive cultural relativism or exclusionary practices, through which society denies certain groups the opportunity to develop their full potential. In this way the social guarantee approach contributes also to evaluating existing social arrangements.

18. Another important difference between economic, social and cultural rights and social guarantees is that while rights are to be realized progressively, guarantees imply immediate obligations. In some more general human rights treaties such as the Inter-American Pact on Economic, Social and Cultural Rights, there are areas in which the signatory countries commit to taking immediate actions. A social guarantee can only be seen as effective if the services associated with it are available in a non-discriminatory manner to the groups or individuals to which it refers.

19. By giving operational meaning to social, economic and cultural rights, social guarantees contribute to reducing the existing gap between normative rights and the services actually provided to the population. Although social guarantees alone cannot completely eliminate this gap, they are one innovative method that helps governments take precise steps for fulfilling rights through service provision.

20. Since social guarantees protect fundamental rights, they help societies transition from a corporatist to a universalist model of social policy, in which the entire population has access to a set of basic social minimums. These entitlements relate to policies in areas such as education, health and housing that in the long run determine the resources and social capital of the poor. Employment and civic participation policies further advance poverty reduction and social inclusion by enabling the poor to take action to make the most of these resources.

21. Isolated actions in these areas, however, are not sufficient. Social guarantees are interdependent and should be clearly and systematically linked to one another. Nevertheless, coordination among sector ministries remains a prominent challenge in social programming. An institutional design that can help governments advance coordination among sectors during program design and implementation is an effective way of addressing this challenge.

22. The case for a comprehensive social policy approach inevitably raises concerns about its affordability and potential negative impact on growth. In terms of affordability, the social guarantee approach implies a shift in focus from “what can we afford to finance with the available social policy budget?” to “how should the entire budget be allocated so that we can provide agreed upon minimum standards in public services to all citizens”. The central idea of this shift is that each society would have to determine the level of standards and services to be guaranteed where provision for all is possible. Regarding negative impacts on growth, recent reviews of historical experience within OECD have concluded that there is no clear net GDP cost associated with higher social spending if
this spending is accompanied by more pro-growth tax packages, minimized work disincentives for young adults, and raised productivity. ³

23. A social guarantee policy may also raise the question: should public funds not be used on targeting the ‘truly deserving’ poor rather than on constructing universal policies? Given that social policy regimes are hardly ever purely universal or purely based on targeting, the social guarantee approach does not advocate abolishment of targeted programs. Rather it encourages the setting of universal minimum standards and, where necessary the creation of targeted programs that help certain vulnerable groups reach this standard. This concept has been referred to as ‘targeting within universalism’ or ‘targeting that meets the citizenship test.’ Its basic premise is that targeting cannot be successful unless there are universal minimum standards (on access, quality, etc.) which it is targeted to achieve.⁴

24. Although guarantees are defined in a universal manner, actions of the state should certainly be more concentrated in areas concerning the most vulnerable groups – those who generally cannot access services by their own means. This is how, for instance, preventative nutritional programs that supply set food rations have emerged. Such programs constitute a social guarantee only if they stipulate the specific mechanisms to provide the service, are available to all who are experiencing malnutrition, and could be claimed by the entitled persons.

25. The programs for complementary nutrition are just one of many examples of guaranteed services, linked to the right to food; the same right can also be supported through cash transfers, or subsistence programs. There is a wide range of possible programs that relate to the realization of a right and each society would seek the most efficient, effective, and culturally-sensitive means for realizing the set of entitlements. Social guarantees can take various forms according to the specific circumstances that affect or characterize right-holders.

26. This flexibility of the guarantees ensures that the principle of cultural sensitivity and respect, contained in the International Covenant on Economic, Social and Cultural Rights, is protected. It also protects the principles of acceptability, availability, accessibility, confidentiality, adaptability, and non-discrimination of the provisions associated with social rights.

Operational dimensions of a guarantee

27. The novelty of the social guarantee approach can be found in:

   a. Its holistic perspective on social policy. This implies that a policy does not truly meet the rights of citizen by merely expanding access or improving quality. Instead it is necessary to simultaneously address a broad range of essential elements such as access, quality, financial protection, participation, continuous revision, and redress mechanisms;

   b. In its unprecedented emphasis on redress i.e. the availability of administrative, judicial or quasi-judicial channels through which citizens can claim agreed-upon benefits. Both features make this approach distinctly rights-based; and

⁴ Ibid.
c. In the technical guidance it provides on how to operationalize a rights-based approach. The section below illustrates how this framework has been applied to the health sector in Chile, as well as how it can be built upon given progress in certain sub-guarantee areas in the rest of the Latin American and Caribbean case studies.

28. A system based on guarantees requires a normative (legal) framework that precisely defines the rights and their threshold of realization. To become operational and allow citizens to claim their rights, social guarantees require specific institutional arrangements to design the programs, determine and secure the budget, and implement and monitor the policies that will lead to the realization of those rights. In this context the state fulfills a key role as a normative and regulatory institution. Thus, any social guarantee can be described with reference to four domains – legal, institutional, instrumental, and financial – which can be defined as follows:

- **Legal** – all laws and regulations that establish the obligation of states and citizens’ duties related to their entitlements;
- **Institutional** – state institution/s responsible for the fulfillment of this norm/ guarantee and its sub-dimensions;
- **Instrumental** – policies, programs (include public-private programs), or services that ensure the practical implementation of the guarantee in question.
- **Financial** – economic resources allocated to and invested in the realization of the guarantee and its sub-dimensions.

29. The concept of social guarantee can be disaggregated into more specific dimensions. These dimensions capture two types of citizen expectations with regard to the state: on the one hand, expectations that guaranteed services will be available; on the other hand, expectations that unavailable services can be redressed. The following five sub-guarantees present a way to disaggregate social guarantees to facilitate policy design according to this approach:

30. **Sub-guarantee of access**: Refers to the technical provisions that ensure that rights-holders are able to access the set of defined services. Thus, the formulation of entitlements must contain a precise definition of: the guaranteed services; minimum period during which the service should be provided; duties and obligations of the citizens to be eligible to receive the service; maximum waiting period to receive the service; and the availability of information channels through which citizens can be made aware of the above. The sub-guarantee of access constitutes the core of a social guarantee, and must be designed in a way that furthers equity and a better quality of life.

31. **Sub-guarantee of quality**: Refers to the technical procedures that ensure that social services are delivered according to established quality standards. To this effect, it requires that quality standards, and standards for certification and accreditation of providers are clearly determined.

32. **Sub-guarantee of financial protection**: Refers to the procedures that ensure that individuals, who cannot afford the costs of receiving the service, would still be able to access it. This could be accomplished with financial commitments from either public or private sources. The formulation of this sub-guarantee requires a clear definition of the financial contributions that the
state, beneficiaries or other institutions are expected to make. These contributions should preferably be determined based on the socio-economic situation of the beneficiaries. This sub-guarantee captures the essence of the role of the state i.e. a state that intervenes to support the provision of basic services to those individuals or groups who would otherwise be unable to afford them.

33. **Sub-guarantee of participation and continuous revision**: Ensures that the guarantees and sub-guarantees are continually updated according to the availability of resources, changing risks, political and social consensus, and the advancement of science and technology. The formulation of this sub-guarantee requires that the following are clearly defined: the criteria for revision, the period at which revisions should take place, the mechanisms and procedures for reformulating and approving new services/provision channels, and the actors that need to play a role in this process, including citizens. Along with that, it requires defining the rights and duties linked to this participation, and identifying the stage/s of political or programming cycle in which civic participation shall take place.

34. **Sub-guarantee of redress**: Lastly, the sub-guarantee of redress ensures that individuals or groups can claim access to the guaranteed services, as well as claim the fulfillment of each sub-guarantee. The design of redress mechanisms requires an exact definition of the situations in which citizens can make claims, as well as of the judicial and non-judicial mechanisms through which those claims could be pursued and resolved. The maximum waiting periods for resolving claims, as well as all restorative procedures, sanctions and compensations should also be clearly defined. This sub-guarantee is addressed through administrative as well as judicial channels. Creating or appointing a responsible institution to deal with the overall claims process, including resolution of claims, enforcement of decisions and compensations, gives citizens a channel to resolve claims, leaving the use of courts as the last resort. This is important not only because courts are expensive and hard to access for the poor but also because it is a way to strengthen social institutions, which are critical indicators of democratic governance and social stability. At the same time, in countries whose legal tradition is based on Common Law, seeking redress through the court system creates precedents that can have long-lasting positive implications for more equitable service delivery.

**III. Applying the Social Guarantee Lens**

**Box 3: Regime of Explicit Guarantees in Health (REGH) in Chile**

The Regime for Explicit Guarantees in Health (REGH) in Chile, approved between 2003 and 2004, is an example of a social program conceptualized from a guarantee perspective. It has managed to operationalize the right to health with regard to access, quality, opportunity, and redress of a set of established health services.

Prior to the reform, Chilean health policy was structured as a dual public and private system in which the public and private providers operated without coordination. As a result, the health system in the country was segmented and did not respond adequately to the needs of each subscriber – be it to the public or private system. Health policy needed to be modified to address a number of epidemiologic, institutional, regulatory, and economic problems, and to progress towards a mixed (rather than dual) system, effectively supervised by the state.

Considering the situation of the country’s health system, the government of Ricardo Lagos (2000-2006) recognized the need for reform. The legislative process that followed is of extreme relevance. It would have been highly improbable to establish the Regime of Explicit Guarantees without securing wide political agreement. The government convened an inter-ministerial committee, which prepared six bills for health reform. Early in the debate different opinions regarding
The reform emerged. The government opened up the dialogue to include various actors from the health sector. The reform was only launched in 2002-2003, given the window of opportunity that was opened by a period without elections, when it would not be overly politicized. While the Senate approved the reforms regarding the public system without major objections, the proposals for interventions in the private system had to be re-negotiated. The proposed changes took into account a wide range of interests; there were no absolute winners or losers from the reforms, hence it was possible to moderate all differences in opinion over time, and to approve all bills.

The approved legislation promoted new models and sources of financing, agreed upon by all the various political forces represented in Parliament. It also modified the institutional landscape, creating new agencies to regulate the health sector. The new Regime of Explicit Guarantees initially prioritized a list of 40 diseases and corresponding health interventions to be guaranteed for all. It defined the maximum waiting period in which treatment should be provided (sub-guarantee of opportunity); the procedures and techniques that need to be applied during treatment and rehabilitation (sub-guarantee of quality); and the co-payments and maximum annual expenditure in health that could be expected by a household (sub-guarantee of financial protection). This mixed system commits to fulfilling those sub-guarantees in a timely and cost-effective manner. Access to treatment is universal for the set of guaranteed provisions, and even private sector is obligated to fulfill these guarantees. Moreover, these services are guaranteed for all members of society and not only for the poor. Although access for this set of services is guaranteed for all, beneficiaries' contributions vary according to their level of income.

Various mechanisms were discussed for funding the new regime. Ultimately Law 19.888 stipulated that resources will be derived from: (a) a temporary increase in the consumer tax from 18 to 19 percent between October 1, 2003 and October 1, 2007 (although President Bachelet has extended the tax increase for a longer period); (b) the tobacco tax; (c) customs revenues; and (d) the sale of state’s minority shares in public health enterprises. As additional sources of funding, the reform also considered pre-existing funds, potential increases in co-payments, budget increases from economic growth, and potential reallocations from other sectors.

The following results illustrate the good performance of the new health regime to this date:

- The Regime extended its coverage from 40 to 72 medical conditions.
- Even though a large percentage of the population is still unaware of their entitlements under the new health system, 69 percent consider that health care in the country has generally improved after the implementation of REGH.
- Since the implementation of REGH, 39 percent of interviewed citizens have reported they feel more protected by the system than before, and 51 percent declared that they feel neither more nor less protected. Only 5 percent have reported feeling less protected.
- 28 percent of citizens have responded that a member of their family has been diagnosed with one of the 40 health conditions originally prioritized by REGH.
- 60 percent of subscribers to the public sector and 59 percent of those to the private system have noted that health services have become faster and better since the introduction of the new regime.
- 42 percent of the patients who used health services under REGH have declared that they find REGH services better than other health services.


35. The approach proposed in this policy note recognizes that most countries have not designed social programs on the basis of explicit guarantees. Social programs in most states are at a level of pre-guarantee, i.e. they ensure only partially the protection and fulfillment of the social rights in
question. In some cases, the rights are legally stipulated but lack institutional and financial support; other rights are incorporated in programmatic and institutional operations but are not bound by law to concrete performance standards. Yet in other cases, even though rights may be integrated both in law and in policy, citizens cannot use social services due to other factors such as lack of information and low incentives on the part of providers.

36. The fact that social services in many countries are still at a pre-guarantee level does not prevent those states from developing social programs based on the notion of guarantees. The study that contributed to the report, “Realizing Rights through Social Guarantees” (World Bank, 2007) presents case studies from Latin America, the Caribbean and South Africa that suggest that countries can apply the social guarantee framework to consolidate their existing social systems.

Ensuring access

37. The sub-guarantee of access ensures that every eligible individual has access to the guaranteed services in a timely manner and for the duration of need.

38. Peru illustrates how it is possible to set in place basic education policies that progressively increase coverage, including bilingual education. Since 1970, the country has consistently provided comprehensive education coverage above the Latin American average and can tout impressive statistics, particularly for a country of its per capita GDP. For instance, Peru has 92 percent and 87 percent enrollment rates for poor and non-poor students, respectively, and for the overall population, 94 percent primary school completion and 88 percent secondary school completion. Moreover, in parallel to this process there has been normative recognition of the need for bilingual and intercultural education for Peru’s sizeable indigenous population, as an effort to completely universalize coverage. The 1993 Peruvian Constitution committed the Government to providing intercultural and bilingual education at all educational levels. While still at the pre-guarantee level, these initiatives provide an example of a good effort to overcome the multifaceted barriers to guaranteeing universal access to social and educational services.

39. In Paraguay, the universal right to basic education has been historically affected by deep-rooted disparities between the rich and the poor, and urban and rural populations. With all its difficulties, since the beginning of the Educational Reform the rate of coverage in basic education has increased progressively, reaching a peak of 93 percent in 2005. Paraguay has performed relatively well in guaranteeing continuous provision of primary educational services to those already in the system. As a matter of fact, the provision of primary educational services is guaranteed throughout the academic year by the fact that the funds used to pay teachers and principals, which are included in the National Budget under items that do not depend on governmental decisions to be executed (after its initial approval). Thus, from the supply side, any interruption of the academic year is highly improbable. In fact, with very few exceptions, during the last decade Paraguay has not suffered from other types of suspensions than those occasionally caused by teacher strikes, and even so interruptions have been relatively fewer in relation to similar countries.

40. Jamaica offers an important example of how recognizing the human right to shelter through laws, policies and international treaties creates a normative framework that obligates the government to continually seek solutions to housing challenges that face citizens. Jamaica’s approach to provide citizens with access to housing dates back to 1955 with the establishment of the Housing Fund for emergency management and slum upgrading, and the Housing Act, which has become the corner
The sub-guarantee of quality ensures a clear definition of standards to which relevant services and their providers must comply. It requires the existence of regular monitoring and evaluation procedures and clear mechanisms for communicating the results of those evaluations to the public.

In the Chilean health care case (see Box 3 above) quality is defined as the provision of services by a certified and accredited provider. The Law on Explicit Guarantees in Health indicates that the guarantee of quality will be redressable when the systems for certification and accreditation and the registration enter into force. The Chilean legislation also states that the Ministry of Health, as the highest health authority, is responsible for formulating and monitoring health policies. It indicates that two types of complementary instruments should be put in place to ensure quality of health services: one that relates to health institutions or administration, and another that relates to the actual medical providers – both as institutions and individuals. The case of health in Chile, particularly in the area of treatment and recovery, illustrates how an extensive legal framework with regard to quality can be put in place and gradually entered into force.

Colombia presents a good example of policy instruments used to advance educational quality. The Colombian government has formulated specific programs to guarantee and monitor quality in this sector. A national system of evaluation was created in 1998 to periodically examine academic results and to verify that students achieve the established levels of competency. These standards are measured by two mandatory exams, called SABER, administered at the end of primary and middle school. Government efforts to continually improve quality based on these results have, however, been uneven. At the same time, an increasing number of schools have their students’ test scores to formulate projects to improve quality. Finally, by participating in international evaluations, Colombian schools have been able to access an additional means for comparing quality.

A significant leap in securing and monitoring quality of primary education has also been registered in St. Kitts and Nevis since the creation of its Curriculum Development Unit (CDU) in 1998. Universal access to primary education in the country was achieved since the early 1960s, yet few students completed the primary grades with sufficient knowledge to succeed in high school and drop-out rates in secondary school exceeded 50 percent. Prior to 1998 each primary school was able to set its own curriculum and there was no standardized monitoring system to ensure quality of teaching and track performance. The CDU introduced a common curriculum and regular end-of-year exams in each primary school (public and private). These exams are used to assess the quality of
teaching on a school-by-school basis and, where necessary, teacher trainings are organized within each school to address issues and improve performance. This has provided a regular mechanism to understand strengths and weaknesses both on the national and on the school or class level. Given the significant degree of success that was achieved (now 75 percent of students enter high school in the top bands while 25 percent are placed in lower streams), a similar initiative was just introduced at the secondary level in the core subjects of English and Mathematics.

**Financial protection**

45. The sub-guarantee of financial protection ensures that individuals who cannot access services on their own means can do it through public or private funding. It requires a clear definition of the institution/s responsible for ensuring financial protection, the level of contribution from the rights-holders, and mechanisms to ensure that the public is adequately informed.

46. A progressive approach in reforming the family allowance system from a rights perspective has been successfully undertaken in Uruguay. The National Program for Social Emergency Assistance, PANES, launched in 2005 updated the old system, and was the first to operate under the Ministry of Social Development, also created in 2005. It incorporates many elements of a rights-based perspective, namely a commitment to monitoring access for all eligible families, the engagement of civil society and a mixed basket of transfers and services (food, educational supplies, temporary employment, etc.) to ensure more effective assistance than the traditional family allowance program. Thus, PANES makes possible for its beneficiaries to receive a minimum income and access basic services they would otherwise be unable to afford. Allowances are provided as long as the family continues to meet eligibility criteria (i.e. have children under 18, enrolled in school, and income below a specified threshold). Through PANES the Ministry of Social Development has begun to assert itself as a key player in defining new and more effective approaches to reducing poverty. Despite the expected short-term duration of the program, its successful outcomes have the potential to inspire new and similar initiatives based on a rights-based perspective within the framework of the government’s new Plan for Social Equity.

47. Financial protection in the health sector has been advanced in St. Kitts and Nevis through the provision of free medications for all patients of HIV/AIDS, diabetes, hypertension and other chronic and non-communicable diseases. Even though this was a national initiative, it was made possible largely by the establishment of a common drug-purchasing unit in the Organization of East Caribbean States Secretariat through which lower drug prices can be negotiated in the sub-region. St. Kitts and Nevis has also guaranteed free immunizations against a list of nine medical conditions that can be claimed at any age. This has had positive implications for coverage as well which reached 100 percent already in 2000 and currently excludes only those who voluntarily refuse to be immunized.

48. The formulation of South Africa’s housing policy shows an example of progressive emphasis in the financial protection of the right to access adequate housing. A vast number of housing laws and regulations have been progressively enacted after the end of the Apartheid to give effect to this right. In particular, public efforts have focused on addressing first the housing crisis directly through the scale of subsidized housing delivery for low income households, both for ownership and for rental; and second, to create an environment in which the subsidized housing market can operate normally as part of the broader, non-subsidized housing market. Specifically, the government has aimed to realize the right to adequate housing by providing one-time housing grants to eligible people who never owned homes before. Over time, there has been policy shifts to reach out to low income
earners. As a result of these policies, dramatic changes have occurred in the housing landscape. With a focus on the delivery of subsidized housing to qualifying beneficiaries, about 1.4 million subsidized houses have been delivered over the last decade.

**Participation and continuous revision**

49. The sub-guarantee of participation and continuous revision ensures that services are up to date, reflecting available resources, changing risks (social, economic, environmental, etc.), advancing technology, and quality standards. It requires that citizens participate actively in the design and revision of policies, contributing to transparency, accountability and better governance.

50. In Ecuador important institutional steps have been taken to assure the participation of indigenous populations in the design of educational projects. Since 1992 indigenous peoples have been represented on a national board of directors created to oversee bilingual and intercultural education programs. Civil society participation in the development of educational projects is also guaranteed by the Constitution. In 2006, in a popular consultation (*consulta popular*) citizens were asked to accept or reject a new education project, proposing, among other things, to increase the education budget by 0.5 percent of the GDP every year until 2012 or until it reaches a proportion of 6 percent. Thus, Ecuador demonstrates an example of a bidding mechanism that ensures that citizen’s voices are taken into account by the government in the revision of existing policies.

51. The Peruvian case illustrates a progressive legal framework regarding social participation in the education system. Specific legislation regulates the participation of parents in educational institutions, including evaluation and certification. Parent associations have worked both as a mechanism to rectify problems within the system and as a means for community participation. A 2004 legislation requiring that local governments in Peru formulate budgets in a participatory manner also has significant potential to be transformative. The new policies fostering participation and local empowerment are increasing the percentage of households involved in local decision-making and reinforcing the sense of citizen entitlement, particularly among women and youth. Within public education, recent decentralization has the potential to offer new opportunities for participation and local power-sharing in monitoring and addressing quality issues. Peru’s progressive legislation regarding social participation has the potential to develop a culture of evaluation and improve quality in the education sector.

52. Jamaica also offers a robust example of social participation in the education system. Like Peru, local parent teacher associations have long been a partner to the government, providing an entry point for parental input and support for education delivery, an instrument for enhancing school financing and a mechanism to address system challenges. In Jamaica, the right to parental involvement in the education system is guaranteed by the Education Act (section 41), but until recently local PTAs provided the main organized arena through which parents could influence their children’s learning. This has changed since 2005, when the Government of Jamaica established an independent body, the Education Transformation Team (ETT), to lead a system wide reform process that includes “Communication and Stakeholder Relations” as one of reform process’ six central pillars. To operationalize the principle of improving stakeholder relations, the ETT launched an island-wide consultation process that has targeted teachers, principals and families so that each of the main stakeholder groups in Education has a mechanism to directly provide input into the reform process. Still underway, feedback from this consultation process led to the July 2006 formation of the National Parent Teacher Association of Jamaica (NPTAJ), which, as a federal body, offers a
critical complement to local chapters by bringing previously uncoordinated parental efforts and concerns together at the policy level.

Making redress possible

53. The sub-guarantee of redress and enforcement ensures that those entitled to receive guaranteed services or benefits can claim the provision of the respective services. It requires a clear definition of the judicial and/or administrative steps and procedures necessary to make such claims.

54. In the Chilean System of Explicit Guarantees in Health the law provides that citizens must first require services from the respective provider (public or private) to which they subscribe. If the latter does not provide the services required, the subscribers can make claims to an administrative body, the Office of the Superintendent of Health. The law also gives the right to public and private health subscribers to engage the Superintendent’s Office as an arbiter in cases of conflict, with the condition that the case is presented first to extra-judicial mediation. A process of mediation should be started no more than 60 days after submitting a claim. The Superintendence on Health can issue specific and binding decisions to the concerned institutions, including on budgetary matters, and is allowed to impose sanctions if they fail to comply. Thus, the new health regime in Chile illustrates a system where health rights can be redressed without appealing to the courts, where decisions would be costly and take a longer time to finalize.

55. In Bolivia, a notable experience can be found in the Maternal and Health Insurance Program (MHIP) and the paralegal mechanisms related to the office of the Ombudsman (Defensoría del Pueblo). Within the framework of this program, the Ombudsman has constantly monitored the legal consistency of the actions carried out by the Ministry of Health. For instance, the Ombudsman acknowledged that women’s demands for maternal health services were much larger than the services supplied by MHIP. In fact, many conceiving-age women were in high health risk due to the lack of preventive measures in controlling uterine neck cancer. The Ombudsman tracked down an old regulation that extended MHIP’s coverage to some additional services, such as early detection of cancer in women, and exercised its power to mobilize congressional support to enact this regulation. As a result, Congress approved a law establishing an obligation to provide annual pap smears exams to all women covered by MHIP, thus extending the services previously covered by this program.

56. South Africa provides an example from outside of the Americas of complementary judicial, quasi-judicial and administrative approaches to providing citizens with mechanisms of redress. Nonetheless, it is the judicial mechanisms that stand out. With the end of the Apartheid, health and housing rights became recognized as human rights in the Bill of Rights, imposing an obligation on the state to take actions to progressively realize them. In this regard, the willingness of the courts to intervene and ensure that the situation of rights claimants is actually improved has not only helped to create active civic oversight concerning the realization of rights, but has also achieved sizable results. An illustrative example is the well-known “Nevirapine Case”. This case was brought by a civil society organization (the Treatment Action Campaign) to provide access to the anti-retroviral drug nevirapine to pregnant women infected with HIV, to prevent mother-to-child transmission of the virus. The Constitutional Court declared that there was a breach of an obligation, and therefore granted mandatory orders instructing government to remove all barriers to access and to design a comprehensive program for the distribution of Nevirapine to pregnant women nationwide. Thus, the South African case portrays a successful structure of judicial mechanisms of redress within a broad ‘common law’ system.
Benefits from adopting a social guarantee approach

57. The evidence suggests that moving towards a social guarantee approach can provide multiple benefits. First, from the political and institutional point of view, the definition of social guarantees strengthens governance. Arriving at a social guarantee is a technical and political process that requires establishing social and political pacts that bring different stakeholders together to agree on specific levels of and mechanisms for service delivery, monitoring and redress. At the same time, implementing a program inspired by a guarantee framework implies developing the institutional and inter-institutional capacity, required for the effective functioning of programs.

58. The Chilean and the South-African cases show that social guarantee (or rights-based) programs not only improve equity in access (inclusion), but also have a positive impact on the efficiency of delivery. They result in an overall improvement of the quality of life, particularly of poor and vulnerable groups, who have previously had limited or no access to the services. The Chilean case shows that REGH has increased the access of the poor to health services. In South Africa, the decentralization of health services contributed to bringing health care closer to the poor and to the participation of local communities in service planning. This participation helped to dismantle the biases of the past, and cut the costs of health service provision.

59. Implementing a social guarantee approach can also improve the accountability of the providers and facilitate redress when access is compromised. The definition of clear norms, standards and administrative procedures facilitates social control and measurement of progress. In Chile the definition of the type and quality of the services provided in the REGH has allowed public scrutiny and set forth administrative procedures that have resulted in improvements of the quality of services. In a different context, courts in South Africa have made it possible for civil society organizations to act on behalf of those who otherwise could not access the legal system. By influencing public policy and service delivery, the courts have contributed to providing solutions to social claims.

60. In summary, applying a social guarantees framework has the potential to enable governments to confront certain challenges to social policy precisely because of the approach’s technical character:

- It provides precise and technical content to rights, defining a minimum level of realization, the corresponding legal and policy mechanisms, monitoring indicators, and progressive revision. In this sense, it serves as an organizing principle for monitoring and reforming social programs.

- It bridges existing social gaps. While rights are universal, their effective operationalization through a social guarantee ensures that those individuals and groups without access will receive the agreed minimum. In the context of the 2006 World Development Report, Equity and Development (World Bank 2005) a social guarantee contributes to leveling the economic and political playing field, and to making the delivery of services more equal.

- It increases transparency and accountability. Given their precise nature, social guarantees contribute to reducing administrative discretionality and patrimonialism. They contain clear definitions of rights and right holders, institutional arrangements, operational mechanisms, and budget allocation.
• It empowers vulnerable groups by ensuring that redress and enforcement mechanisms are available to them. It increases voice and participation and gives opportunity for a more open dialogue on social entitlements. A common definition and widespread communication of rights enable citizens to hold institutions accountable.

• It facilitates the adaptability of benefits to a country’s social, economic and political conditions. Social guarantees can be modified or updated without harming the values they protect, because they take into considerations aspects such as culture, availability of resources, public consensus, etc. Therefore social guarantees are flexible, adaptable, and make it possible to avoid falling back on standardized solutions.

61. Given the above, the guarantee approach needs to be tailored to the reality of each country. It is a device to operationalize the commitments derived from economic, social and cultural rights. At the same time, it represents a strategy for prioritizing a country’s social budget. It also presents a way of establishing national consensus and of advancing democratic governance. The flexibility of social guarantees allows them to aggregate various interests when required.

IV. Policy Recommendations

62. When promoting a social guarantees approach in the regional context there are no formulas or standardized procedures to guide its replication across countries. As a result, political actors that wish to implement human development policies based on social guarantees need to recognize that such policies should be designed with particular attention to the country’s socio-economic context. Nevertheless, some overarching principles involved in the development of social guarantees are worth mentioning.

Re-building a social and fiscal pact

63. A system of social guarantees implies the existence of a well-crafted normative framework and sustainable budget. This requires the creation of a fiscal pact based on a wide political agreement that permit financing the guarantees. Fiscal expenses should be structured to allow for the timely and sustainable provision of a set of prioritized services. To achieve this, policy-makers should explicitly establish the funding sources and tools for these services. Such tools may include budget reallocations, indexed to economic growth, tax increase, new incentives for donations, changes in the structure of the tax system, loans, etc.

64. The need to achieve a wide consensus to decide which services would be guaranteed allows society to exercise stronger control over policies, often raising the productivity and efficiency of public spending. Thus, the creation of a social and fiscal pact, as required by the guarantee approach, is instrumental in strengthening democratic institutions.

65. Fiscal pacts are fundamentally rooted in political agreements and should represent diverse societal interests. In a rule-of-law system the legislative power represents popular sovereignty and is therefore best equipped to undertake this task. At the same time, the corresponding authorities from local and regional government and from civil society should also engage in this process through the participation channels available to them.
66. Civil society groups (businesses, non-profit, academic, religious, etc.) can contribute to negotiating the social and fiscal pact in various ways. For example, they can become part of advising entities, such as consultative councils that participate in budget decisions. Members of such groups should represent a wide range of interests from all regions of the country. They have to be recognized as natural representatives of public opinion in their respective sectors so that their recommendations have public legitimacy.

67. In order to have a positive impact on policy decisions, members of consultative councils should be adequately selected on the basis of predefined criteria. In addition, it is important that these councils implement participatory strategies and consult with the vulnerable sectors of society so that the needs of the poor are taken into consideration along with expert policy proposals.

68. The debates occurring within consultative councils should be documented and communicated in public and official reports recognized by the executive branch. Over relatively brief time periods, the executive branch should adjust the budgets, translating them into bills that capture all intended institutional, programmatic and budgetary changes. At this stage, the legislature takes over the process. One way to manage political opposition within the legislative branch when promoting the establishment of social guarantees is to maintain utmost transparency regarding the use of public resources. The specification of services to be guaranteed, of the conditions and requirements of access, the required levels of quality, the time frame for which services are available, and the mechanisms of redress, in themselves facilitate citizen control and accountability.

69. To develop these kinds of definitions, governments interested in applying this approach should begin with a good diagnosis of the respective social problems before continuing to establish social-fiscal pacts for their solution. The most important steps in designing a social guarantee policy can be described as follows:

   a. First, each country should unearth and disclose the advances that have been achieved within its social policy in order to soundly define social guarantees. For this purpose, policymakers can undertake an analysis of social programs based on the sub-guarantee framework proposed earlier.

   b. Second, based on the result of this analysis, countries may identify the pre-guarantees achieved to that point with regard to access, quality, timeliness of services, financial protection, participation and continuous provision and opportunities for redress.

   c. Third, following this diagnostic phase, budgets can be designed. The purpose of this phase is to identify social areas that are of strategic importance for citizens’ wellbeing and have the potential to be converted into explicit guarantees. It is preferable that these be areas of social policy that have a long tradition in the country, and are already well established in the legislation.

   d. Finally, considering that economic, social and cultural rights are indivisible and mutually dependent, it is advisable that a social guarantee system encompasses services in all major public sectors, such as nutrition, water, health, education, housing and habitation, work and social protection. This document recommends that
each country define a set of social guarantees in key human development areas that are politically and economically viable. This is not to say that the social guarantee approach should be applied to the design and implementation of all social policies. Instead it suggests that there are certain basic benefits that can be ensured for the entire population by using the guarantee approach.

70. When approving social guarantee bills, the executive branch should operate with the necessary urgency that responds to the immediate obligations inherent in the notion of social guarantees. States should also make an effort to include all five sub-guarantees in these bills. Depending on the country in question, it is recommended that policymakers implement social guarantees in phases. These phases can be based either on geographic divisions i.e. first implement guarantees in isolated regions, and then in the capital district; or on strength of the guarantee i.e. first addressing access, opportunity and redress mechanisms, and later quality and continuous provision. This strategy of implementation allows resource allocation to be based on findings and results obtained during earlier phases, making social spending more efficient and effective.

Tools for design and follow up

71. To facilitate the design of social policies using a guarantee approach, it is helpful to build a matrix that defines the specific content of each sub-guarantee and identifies the necessary actions in each policy domain (legal, institutional, instrumental and budgetary) for the implementation and monitoring of the social guarantees. Such a matrix may assist in identifying the most suitable techniques for putting in place the social guarantee in question. It also helps to coordinate better the various mechanisms associated with a social service or guarantee. In particular, it is important to establish a link between the judicial and administrative mechanisms of redress pertaining to social programming. The matrix builds a conceptual bridge that reconciles judicial categories with the administrative ones that are used in social planning.

72. Countries may consider creating an Index of Social Guarantees or an Index of Inequality of Opportunities\(^5\) to monitor and evaluate more effectively the implemented guarantees. The Index could help to: (i) Support the design of rights-based social policies; (ii) Evaluate and monitor progress of these policies; and (iii) Inform the overall policy design.

73. Apart from helping with the design of new social policies, a monitoring system based on the five sub-guarantees can be used to evaluate and strengthen existing programs and regulations in social, legal, and political arenas. Such monitoring system would guide policies towards a new social pact, would stimulate action for the benefit of all citizens thus bringing a rights-based perspective into social policy.

74. Even though an Index, as described above, does not fully encompass the concept of social guarantee, it allows for making comparative analyses among sub-guarantees, identifying obstacles to the realization of social and economic rights, developing strategic measures for correcting such obstacles, and measuring the state’s efficiency and accountability in delivering social services.

**Coordination of social development and social sector ministries**

75. Moving forward the social guarantee focus requires strong political and institutional leadership. It is recommended that this be assumed by the ministries of social development since they are in a unique position to promote comprehensive and cross-cutting social policies. The ministries of social development can advance integration and collaboration among other social sector ministries (in education, health, etc.)

**Public-private-civil society partnerships**

76. It is important for the ministries of social development to engage in active dialogue and discussions with civil society and the business sector. This is imperative for the development of a collaborative system that utilizes the potential of, and assigns differentiated roles to, these entities.

77. This study has also shown that delivery of social entitlements can be strengthened through public-private-civil society partnerships as well as by engaging inter-ministerial coordination across responsible government bodies. Today, the adequate realization of social and economic rights no longer is based on the capacity or size of the public sphere, as held true for social policy reforms in the past. Rather, it is based on structures that create effective public-private cooperation, on redefined state-civil society relationships and shared responsibility for social issues. In addition, public-private partnerships have the potential to actually realize “universal” service provision if both sectors are equally guaranteeing delivery.

78. Public-private-civil society alliances for social service provision can mitigate certain risks, such as the focus on short-term delivery for political payback, opposition from highly powerful stakeholders, or ineffective state delivery. For example, the South African case shows how civil society organizations have enabled interested parties to determine if the government is making any progress in meeting people’s social needs, and whether social benefits in health and housing are reaching those entitled to receive them. The Chilean Regime of Explicit Guarantees in Health illustrates a case in which the public and private health sectors were coordinated to provide a set of basic health benefits for all.

**Independent monitoring and feedback to policy makers**

79. In order to maintain systematic auditing, monitoring and evaluation of social guarantees that can have an impact on decision-making, it is advisable that appropriate institutions are designed or assigned for this task. It is also strongly recommended that any monitoring institution be independent from government and political authorities and free from political interference, even while financed through government budget. These institutions need to represent a wide spectrum of stakeholders and provide a comprehensive and unbiased view of the impact of social policies on the realization of guarantees/entitlements.

80. It is crucial that the monitoring performed by these bodies results in concrete recommendations that are regularly provided to and considered by the government, the legislature and the public. It is also desirable that such institutions are organized and governed by mixed councils that include authorities with technical expertise in social policy, representing different opinions within the country. This contributes to ensuring a transparent evaluation of policy and motivates honest and comprehensive public discussion of the collected data.
Strong civil participation in design and implementation
81. A system of social guarantees that can be actualized should include the participation of right-holders in the design, implementation and evaluation of the social guarantees and their associated entitlements. The possibility to adapt social guarantees to cultural differences and to refine their operational meaning or content depends on strong civil society participation. Civic participation can take various forms, but one of the most utilized is that of “users’ committees” through which representatives participate in the supervision, evaluation and revision of social guarantees and entitlements.

82. An important aspect of the implementation of a social guarantee is that the institution/s responsible for providing its respective benefits must have access to effective channels to inform rights holders of the ways in which they can solicit access or claim their benefits. The ability to claim and solicit benefits is essential for the effectiveness of the guarantees. Without information, possibilities to exercise social rights or claim the guarantees that are rightfully theirs are significantly reduced. Moreover, effective channels of information are important to ensure transparency and to make right-holders aware of what they can expect from the realization of guarantees.

Robust mechanisms for redress
83. In order to ensure realization of social guarantees, it is necessary to have in place a range of implementation channels which, ideally, should work in a complementary fashion. In the first place, administrative forms of redress include complaints and mediation processes internal to service delivery institutions and ministries (e.g. hospital-based systems), and/or committee structures established around facilities (e.g. schools, clinics). Quasi-judicial channels include institutions that are established to oversee legal provisions but stand outside of the court system (e.g. human rights commissions, ombudsmen, etc.). Judicial mechanisms comprise the formal legal system, including constitutional courts where relevant.

84. The existence of well-elaborated social guarantees in the legal realm increases right-holders’ ability to claim non-compliance for the explicit guarantees to which they are entitled. At the same time it diminishes the opportunity for political or administrative manipulation. The latter result is of great importance for Latin America, where clientelist policies and corporatist interests have historically had a large impact on social policy to the detriment of excluded and less powerful groups.