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Factsheet Uzbekistan



Sustainable Financing of National HIV Responses



1. HIV EPIDEMIOLOGY AND RESPONSE

1.1 HIV epidemiology in brief

Uzbekistan has a concentrated HIV epidemic, with 30,315 people living with HIV (PLHIV) officially registered (95% of the estimated number¹), and 10,948 of them receiving antiretroviral therapy (coverage 34%-79.8% depending on how it was calculated²) in 2014³. Next to sexual transmission, injecting drug use is the most common mode of HIV transmission. HIV prevalence among people who inject drugs (PWID)⁴ has been declining to 7.3%. The prevalence is stable among sex workers (SW)⁵ and uncertain among men who have sex with men (MSM)⁶. There are significant gender (e.g. 7.1% among men who inject drugs and 16.5% among women who inject drugs) and sub-national differences in HIV prevalence (e.g. much higher among people who inject drugs in Tashkent and Samarkand)^{7,8,9}.

Table 1: Indicators for key populations

| | PWID | MSM | SW |
|---|----------|------|--------|
| Estimated population size | 48,000 | N/A | 21,000 |
| HIV prevalence (%) | 7.3 | 3.3 | 2.1 |
| Coverage of HIV testing in the past 12 months (%) | 28.4 | 26.0 | 31.9 |
| Prevention programme coverage (%) | 53 (58)* | 51.3 | 58.7 |

* Needles and syringes programme only – trust points (outreach), as opioid substitution therapy is not available in Uzbekistan

Sources: *Results of HIV Infection Sentinel Surveillance Among People Who Inject Drugs in 2013* (Tashkent, 2014); *Results of HIV Infection Sentinel Surveillance Among Men Who Have Sex With Men for 2013* (Tashkent, 2014); *Results of HIV Infection Sentinel Surveillance Among Sex Workers in 2013* (Tashkent, 2014); *HIV Data Triangulation Analysis in the Republic of Uzbekistan* (Tashkent, Ministry of Health, 2015).

1.2 Legal and institutional aspects of the national HIV response and the role of NGOs

1 UNAIDS, AIDSINFO.

2 Calculated as % of the estimated people living with HIV (34%), % of the registered people living with HIV (36%) and officially reported coverage (79.8%).

3 Republic of Uzbekistan, *National Report on the Implementation of Declaration of Commitment Fighting HIV/AIDS Special Session of the UN General Assembly* (2015).

4 Republic of Uzbekistan, *Results of HIV Infection Sentinel Surveillance Among People Who Inject Drugs in 2013* (2014).

5 Republic of Uzbekistan, *Results of HIV Infection Sentinel Surveillance Among Sex Workers in 2013* (2014).

6 Republic of Uzbekistan, *Results of HIV Infection Sentinel Surveillance Among Men Who Have Sex With Men in 2013* (2014)

7 Republic of Uzbekistan, *Results of HIV Infection Sentinel Surveillance Among People Who Inject Drugs in 2013* (2014).

8 EuroHealth Group, *Independent Mid-Term Review of Implementation of the First Phase of the Global Fund's Project (HIV Component) in Uzbekistan* (Soborg, EuroHealth Group, 2013).

9 Republic of Uzbekistan, *HIV Data Triangulation Analysis in the Republic of Uzbekistan* (2015).

Uzbekistan has an HIV-specific law: **Law on Counteraction to the Spread of the Disease Caused by Human Immunodeficiency Virus** (2013).¹⁰ It describes state policy in the area of fighting the HIV epidemic, contains guarantees of rights of people living with HIV and envisages functions of government agencies and, importantly, of local self-governance bodies and non-governmental organizations (NGOs) in national HIV response. NGOs may participate:

- ▶ In carrying out measures aimed at halting the spread of HIV-infection, in ensuring the rights,

10 Republic of Uzbekistan, Закон о противодействии распространению заболевания, вызываемого вирусом иммунодефицита человека (ВИЧ-инфекция), (2013).

- freedoms and legitimate interests of people living with HIV.
- ▶ In providing legal, methodological, informative and other support to people living with HIV and their legal representatives.
 - ▶ In conducting information and explanatory activities for the population on prevention of HIV infection, based on local customs and traditions.
 - ▶ In other activities aimed at preventing the spread of HIV infection.

HIV policy is further regulated by a number of government resolutions, such as the Cabinet of Ministers **Resolution on Adoption of the Composition of and Regulations on the Republican Extraordinary Antiepidemic Commission** (2000)¹¹. The Commission plays a coordination role in national responses to epidemics, and it has a sub-commission responsible for HIV, TB and malaria. This sub-commission carried out the role of country coordinating mechanism (CCM) until the President

signed a Resolution **Resolution on Additional Measures for Increasing Effectiveness of the Fight Against HIV Infection in the Republic of Uzbekistan** (2008)¹² in December 2008. The document envisaged the establishment of the Republican Commission on Coordination of Activities on the Fight against HIV-Infection (Republican HIV Commission). The Republican HIV Commission has five inter-agency working groups, one of which is the Multi-sectorial Expert Council (MEC) responsible for close coordination and cooperation with international organisations in the area of prevention and control of HIV, TB and Malaria as well as for resource mobilization. The MEC consists of representatives of various line ministries, government agencies, international organisations and NGOs and is acting also as CCM. However, in recent years some strategic decisions have been made at the level of the Republican HIV Commission, which does not include members from civil society or international community.

11 Republic of Uzbekistan, Постановление об утверждении состава и положения о Республиканской чрезвычайной противоэпидемической комиссии (2000).

12 Republic of Uzbekistan, Постановление одополнительных мерах по повышению эффективности противодействия распространению ВИЧ-инфекции в Республике Узбекистан (2008).

2. SOCIAL CONTRACTING OF NGOS IN THE NATIONAL HIV RESPONSE

2.1 NGO landscape in Uzbekistan

Presently, the country has over 8,000 registered NGOs, which represents a more than 80-fold increase since 1991, when there were only 95 registered NGOs^{13,14}. A considerable part of these NGOs are government-initiated organisations (e.g. a number of republican funds, youth movement, women's committee, etc.), while the share of grassroots NGOs is comparatively small.

As stated in a report published by the Independent Institute for the Monitoring of the Formation of Civil Society, NGOs in Uzbekistan have to cope with weak material and technical supply¹⁵. This is supported by a survey conducted on the website of the Parliamentary NGO Support Fund: a majority of respondents (41%)

see lack of financing as the main problem faced by NGOs¹⁶.

According to Uzbekistan's legislation, it is prohibited to run an NGO without official registration. An official registration with the Ministry of Justice and its local departments is required for a group to be able to implement projects and receive funding – both domestic and foreign.

2.2 Social contracting of NGOs under Global Fund grants

In 2014, fifteen NGOs were financed by GF, with an average of US\$ 84,809 available per NGO (range US\$ 24,858 – US\$ 597,600) predominantly for prevention

13 Republic of Uzbekistan, Ministry of Justice, *Towards the Legitimate Interests of the NGOs*.

14 Independent Institute for Monitoring of the Formation of Civil Society, *Development of Civil Society in Uzbekistan* (2014).

15 Ibid.

16 Republic of Uzbekistan, The Public Fund for Support of NGOs and Other Civil Society Institutions and a Parliamentary Commission for Administration of the Funds Under the Oliy Majlis, *The biggest problem of NGOs*.

Table 2: Global Fund average annual budget for NGOs (2014-2015)

| Programme | Budget allocated to NGOs (US\$) | % of budget line | National/sub-national (%) |
|----------------------------|---------------------------------|------------------|---------------------------|
| Prevention | | | |
| PWID | 297,600 | 27.9 | 0/100 |
| MSM | 86,160 | 92.9 | 0/100 |
| SW | 328,033 | 87.7 | 0/100 |
| Youth | 27,360 | 100.0 | 100/0 |
| Prevention subtotal | 739,153 | 47.4 | 12/88 |
| Other programmes | 201,410 | 5.8 | 26/74 |
| TOTAL | 940,563 | 18.7 | 8/92 |

Source: UNDP Uzbekistan.

programmes among key populations and services on sub-national level (Table 2). The contract for six of these NGOs was terminated in that year following a decision by the Republican HIV Commission.

Presently, the Global Fund is implementing its new Funding Model, under which countries of the region will need to increase their investments into their national HIV responses. While this calls for (gradual) transitioning of existing services to domestic funding, governments will also need to scale up their programmes to increase coverage of essential HIV services in line with national and international strategies and targets. Given that NGOs are often best placed to implement HIV prevention work in affected key populations, governments need to develop and introduce systems for contracting of NGOs.

2.3 Government social contracting to NGOs: Legal and regulatory frameworks

The **Law on Public Associations**¹⁷ (1991) was one of the first laws adopted by independent Uzbekistan. Later, in 1999 the country adopted the **Law on Non-Governmental Non-Commercial Organizations**¹⁸ (the way NGOs are officially referred to in Uzbekistan), which stipulates that NGOs may be established in form of public associations, public foundations, institutions and other forms envisaged by the legislation. The 1999 NGO Law established the procedure for registration of NGOs, which is further detailed in the **Regulations on the Procedure of State Registration of Non-Governmental Non-Commercial Organizations**¹⁹.

In 2007 the country adopted the **Law on Guarantees of Activity of Non-Governmental Non-Commercial**

Organizations²⁰. For the first time, the Law introduced the concept of social contracting.

The **Law on Social Partnership**²¹ (2014) envisages the establishment of the Public Fund for Support of NGOs and Other Institutions of the Civil Society of the Oliy Majlis of the Republic of Uzbekistan (hereinafter, the Parliamentary Fund). Its role is:

- ▶ to accumulate funds from the State budget and other sources, and to invest them into stimulating the development and supporting the operation of civil society and their engagement in addressing social, economic and humanitarian issues;
- ▶ to support implementation of programmes and projects on strengthening the capacity of NGOs, and on providing them with legal, technical and other assistance.

To ensure proper administration of financial resources by the Parliamentary Fund, a Parliamentary Commission has been established. In 2008, the Councils of the two Chambers of the Parliament have adopted a joint resolution regulating the functioning and the structure of the Commission and the Parliamentary Fund (**Joint Resolution of Councils of the Legislative Chamber and the Senate of the Oliy Majlis of the Republic of Uzbekistan on Adoption of Legal Acts Required for the Achievement of Objectives of the Public Fund, and on the Composition of the Parliamentary Commission for Administration of Resources of the Public Fund**)²². According to the Resolution, the Commission consists of members of both chambers of the Parliament, representatives of the Ministries of Justice and Finances, national NGOs, mass media and other civil society organizations. None of the members come from

20 Republic of Uzbekistan, Закон о гарантиях деятельности негосударственных некоммерческих организаций (2007).

21 Republic of Uzbekistan, Закон о социальном партнерстве (2014).

22 Republic of Uzbekistan, Совместное постановление об утверждении нормативно-правовых актов, необходимых для реализации задач Общественного Фонда по поддержке негосударственных некоммерческих организаций и других институтов гражданского общества при Олий Мажлисе Республики Узбекистан, и состава Парламентской комиссии по управлению средствами Общественного Фонда по поддержке негосударственных некоммерческих организаций и других институтов гражданского общества при Олий Мажлисе Республики Узбекистан (2008).

17 Republic of Uzbekistan, Закон об общественных объединениях в Республике Узбекистан (1991).

18 Republic of Uzbekistan, Закон о негосударственных некоммерческих организациях (1999).

19 Republic of Uzbekistan, Постановление о мерах по реализации Постановления Президента Республики Узбекистан от 12 декабря 2013 года №ПП-2085 «О дополнительных мерах по оказанию содействия развитию институтов гражданского общества» (2014).

The Law of the Republic of Uzbekistan on Guarantees of Activities of Non-Governmental Non-Commercial Organizations

The State may provide support to the activities of non-governmental non-commercial organizations in the form of subsidies, grants and social contracts (art. 11).

State subsidy is financial or other material support from the State Budget of the Republic of Uzbekistan or from specialized public funds, provided to support non-governmental non-commercial organizations and not related to special projects (art. 12).

A state grant represents money and material resources, provided from the State Budget of the Republic of Uzbekistan to non-governmental non-commercial organizations on competitive basis for implementation of projects aimed at achieving socially significant ends (art. 13).

A state social contract with non-governmental non-commercial organizations represents a state order to carry out work or to conduct an event for implementation of socially significant projects by way of concluding a contract between a state body and a non-governmental non-commercial organization (art. 14).

networks of people living with HIV or HIV service providers.

Since 2008, the Parliamentary Fund has developed and adopted a number of materials and standard forms for operationalizing funding of NGOs, including:

- ▶ Grant, social contract and subsidy application forms.
- ▶ Standard contracts (between the Parliamentary Fund and NGO).
- ▶ Programmatic and financial report templates.

The Commission adopted the **Procedure for Distribution of Resources of the Fund for Supporting NGOs and Other Civil Society Organizations²³**

(annex to the minutes of the Commission session No. 1 of 11 July 2008). According to the document, every year before 15 June the Commission studies proposals of NGOs, general public, state bodies and local authorities regarding socially significant projects that should be supported. Based on the outcomes of this process, the Commission determines the amount of funds and

prepares budget allocation request. By 20 June, the request is submitted to the Cabinet of Ministers, which considers the request and decides on including it in the draft of the national budget for the coming year. When the draft budget comes to the Parliament for approval, chambers of the Parliament consider the proposals of the Commission and approve the amount of funding for NGOs for implementation of socially significant projects and events under budget item “Expenditures for NGO support”.

It should be noted that social contracting mechanisms presently only exist at the national level and are implemented only through the Parliamentary Fund; there are no programmes aimed at contracting of NGOs from local budgets. This may be due to the lack of documents – laws or bylaws – stipulating procedures for providing the three types of support to NGOs (grants, social contracts and subsidies) at subnational level. Therefore, in order to make these mechanisms functional at both national and subnational levels, and to enable different government agencies to contract NGOs, respective legal instruments should be developed and adopted.

23 Republic of Uzbekistan, Порядок распределения средств Общественного Фонда по поддержке негосударственных некоммерческих организаций и других институтов гражданского общества при Олий Мажлисе Республики Узбекистан (2008).

2.4 Quality control and assurance

The Commission adopted regulations on oversight of targeted spending of funds and assessing the effectiveness of implementation of projects supported by the Parliamentary Fund (**Resolution No. 83 of 19 August 2011**)²⁴. All projects supported by the Parliamentary Fund are subject to preliminary, ongoing and follow-up monitoring. Preliminary monitoring is carried out at the stage of selecting applications. Ongoing monitoring represents programmatic monitoring of projects, while follow-up monitoring represents oversight of targeted spending of resources and evaluation of project impact. Ongoing and follow-up monitoring is carried out by groups representing the Commission, Ministry and Departments of Justice, Ministry and Departments of Finances, Independent Institute for Monitoring of Forming of Civil Society and its regional departments, Ecological Movement of Uzbekistan and National Association of NGOs of Uzbekistan.

The Parliamentary Fund does not have a mechanism of continued support for successful projects after the end of the agreement, unless the NGO gets funding under another round of grants/social contracts.

2.5 Other prerequisites for service provision (licenses, special permissions, etc.)

To apply for above-mentioned funding opportunities (grants, social contracts or subsidies), an NGO has to submit a set of documents, including a completed application form, calendar plan, a copy of registration certificate, a copy of charter, as well as other documents as required in an announcement. So far, it has never been required for applicants to have any licenses or permissions in order to receive a grant, social contract or subsidy.

²⁴ Republic of Uzbekistan, Положение о порядке мониторинга за целевым использованием денежных средств и определения эффективности реализации проектов, профинансированных Общественным Фондом при Олий Мажлисе Республики Узбекистан (2011).

Still, according to current legislation, service providers – private or non-governmental – require a special permission, a license, to carry out specific services. For instance, clinical laboratory diagnostic services (such as laboratory tests for HIV and co-morbidities) requires obtaining a license for provision of medical services under the 2000 **Law on Licensing of Certain Types of Activities**²⁵, the 2001 **Parliamentary Resolution on the List of Activities Requiring a License**²⁶ and the 2012 **Resolution of the Cabinet of Ministers on Improvement of the Procedure for Licensing of Medical Activity**²⁷. Presently, at least one NGO in the country (Anitcancer Society of Uzbekistan) has the required license and can provide testing for HIV and co-infections.

2.6 Government social contracting of NGOs: The practice

Since 2008, the Parliamentary Fund has been regularly announcing contests for grants and social contracts for NGOs. The announcements were posted on the Parliamentary Fund's website, in national press (Narodnoe Slovo newspaper) and, when relevant, on websites of other organisations, such as the National Association of NGOs of Uzbekistan, National Association of Electronic Media, Legal Problems Study Centre, etc. Each round of grants/social orders was on a specific topic (see text box for examples). In 2013, the Parliamentary Fund supported a total of 193 projects for the amount of UZS 2.7 billion²⁸ (or US\$ 1.2 million)²⁹.

So far networks of people living with HIV and HIV service providers were not actively applying to the Parliamentary Fund possibly because of relatively small amount of funding per project: the ceiling

²⁵ Republic of Uzbekistan, Закон о лицензировании отдельных видов деятельности (2000).

²⁶ Republic of Uzbekistan, Постановление оперечне видов деятельности, на осуществление которых требуются лицензии (2001).

²⁷ Republic of Uzbekistan, Постановление о совершенствовании порядка лицензирования медицинской деятельности (2012).

²⁸ Independent Institute for Monitoring of the Formation of Civil Society, *Development of Civil Society in Uzbekistan* (2014).

²⁹ Here and elsewhere in this document, amount in US\$ is given as per official exchange rate.

Funding opportunities announced by the Parliamentary Fund in 2014 and first half of 2015

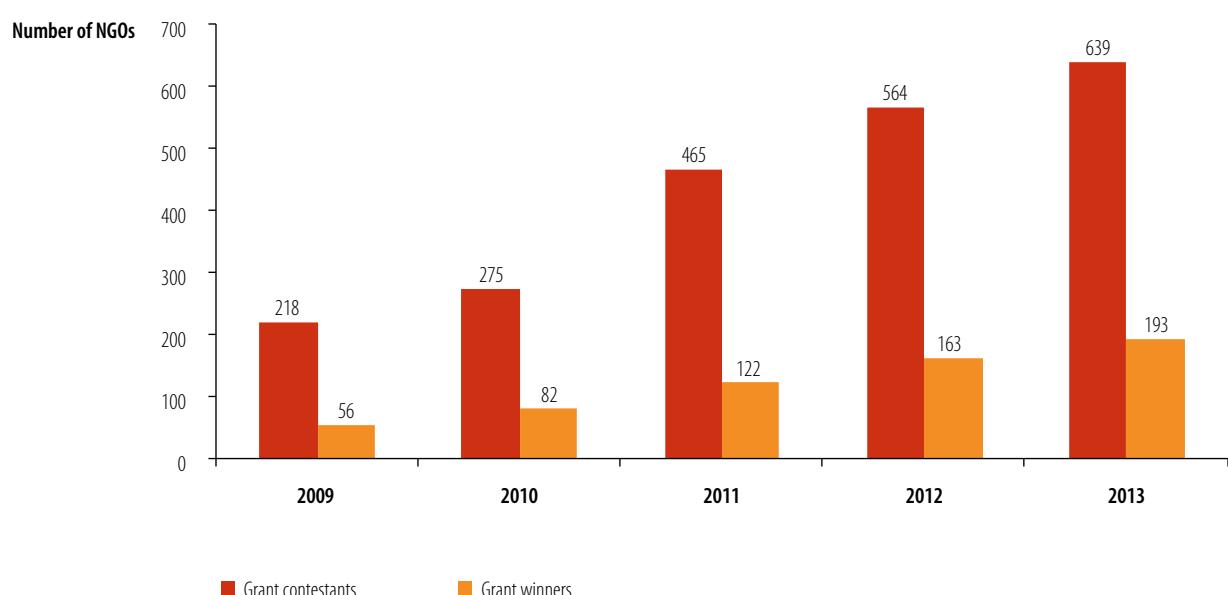
April 2015 – social contracts: to support the implementation of objectives of the State Programme “The Year of Attention to and Care about the Elderly” (nine projects); to support the upbringing of physically fit and harmoniously developed youth (three projects); to strengthen the foundations of democratic rule-of-law state and civil society, interethnic and intercultural accord (three projects). Budget of each project – from UZS 50 to 350 million (from US\$ 20,000 to US\$ 140,550).

September 2014 – social contracts for projects on the subject of “Healthy child – harmonious future”. Budget of each project – up to UZS 20 million (app. US\$ 8,500).

June 2014 – grants for projects on: promotion of healthy lifestyle, development of creative and intellectual potential of youth, in particular in remote areas of the country; development of social partnership between civil society organizations and public bodies in implementation of programs of socioeconomic development of regions, increasing well-being of the population and development of entrepreneurship; increasing active involvement of the population and NGOs in improvement of cities, towns, neighbourhoods, streets and in addressing environmental issues and improving the health of the population (including promotion of healthy lifestyle among the youth, prevention of infectious diseases and raising awareness about prevention among different groups of population). Budget of each project – up to UZS 15 million (app. US\$ 6,500).

March 2014 – grants for projects on the subject “Healthy generation with a great future”, aimed at involvement of NGOs at implementation of the State Programme “The Year of a Healthy Child” (including protection of the youth from drug addiction and immorality). Budget of each project – up to UZS 15 million (app. US\$ 6,700).

Figure 1: Comparison between the number of NGOs participating in grant contests and the number of NGOs receiving grants (2009-2013)



Source: *Development of Civil Society in Uzbekistan* (Tashkent, Independent Institute for Monitoring of the Formation of Civil Society, 2014).

amount per project granted by the Parliamentary Fund until September 2014 was UZS 15 million per year, equivalent to US\$ 6,000 to US\$ 7,000. This amount would hardly be enough to cover salaries of project staff (for instance, in some of the Global Fund grants a monthly salary for a half-time outreach worker is US\$ 80, and for a half-time project manager US\$ 450), let alone other project costs, such as information materials or condoms. Since September 2014, however, the amount of funding per project has increased first to UZS 20 million per project (approximately US\$ 8,500)

and then to UZS 50 million to 350 million (US\$ 20,000 to over US\$ 140,000) in 2015. Another issue is that HIV NGOs have little knowledge about State subsidies, which can be used to cover rent and salaries for core staff, and their knowledge of grants and social contracts announced by the Parliamentary Fund are rather superficial.

The competition for funding from the Parliamentary Fund is quite strong (see diagram), with less than a third of applicants receiving funding.

3. RECOMMENDATIONS

There is overwhelming evidence, both from Uzbekistan and from other countries around the world, that NGOs play an important role in the national HIV response. To sustain such critical NGO service, the legal and regulatory framework for NGO social contracting can be further improved as well as capacities to operationalise it can be strengthened.

Legal and institutional aspects of the national HIV response:

National mechanisms to HIV response could be reviewed in order to ensure clearly defined separation of functions. If both the Republican HIV Commission and the MEC continue to coordinate the activities in the field of HIV and AIDS, the former would also benefit from the inclusion of civil society representatives and representatives of people living with HIV and key populations.

NGO landscape in Uzbekistan:

The opportunity for civil society established NGOs to be registered could be further improved. The CCM should liaise with Ministry of Justice to ascertain the importance of NGOs and particularly associations of people living with HIV as effective service providers in the national HIV response.

Social contracting of NGOs for the national HIV response:

► Since most of the NGO HIV services are required on sub-national and community level, the procedures for provision and monitoring of government grants, social contracts and subsidies could be reviewed and adopted to allow social contracting of NGOs for the implementation of socially significant projects and programmes on regional and district levels. This has been proven in many countries to be more effective and to provide better oversight through the contracting agencies. Once adopted, the procedure should be made known and understood by both government agencies and NGOs.

- Legislative incentives should be introduced for NGOs to provide services in HIV prevention, treatment, care and support following transparent quality standards.
- Legislative incentives should be provided for HIV service providers to provide all scope of services and cover all key populations most at risk of HIV infection which are needed for the successful implementation of the national HIV programme³⁰.
- Transparency could be increased in the licensing of NGOs to provide health-related services as well as in the selection process for funding from the Parliamentary Fund.
- NGOs should submit recommendations on project topics to the Parliamentary Commission, when it prepares its project plans and drafts budget allocation requests.
- NGOs are recommended to follow up on funding opportunities offered by the Parliamentary Fund and request clarifications as needed.
- International organisations, including UNAIDS and its co-sponsors, could support civil society organisations' dialogue with the Parliamentary Fund and encourage specific focus of the Parliamentary Fund on HIV prevention, treatment, care and support and related public health objectives.
- Continuity of funding could be improved for well-performing NGOs, for instance through cost-sharing, in-kind contributions, transfer of assets, tax breaks, income-generating activities and other means.

³⁰ Republic of Uzbekistan, Постановление об утверждении государственной программы в области противодействия распространению ВИЧ-инфекции в Республике Узбекистан (2014).

Capacity building of NGOs and contracting agencies:

- ▶ The level of awareness should be raised among NGOs on funding opportunities, in-kind contributions and government cost sharing, as well as application for and reporting against government funding.
- ▶ Government agencies' capacity in the field of social contracting could be improved, so that they are capable of attracting NGOs to implement socially significant projects, and to monitor effectiveness of social contracts awarded to NGOs.

- ▶ International organisations are recommended to continue and scale up their capacity building efforts for NGOs, in resource mobilisation from international and domestic sources.

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