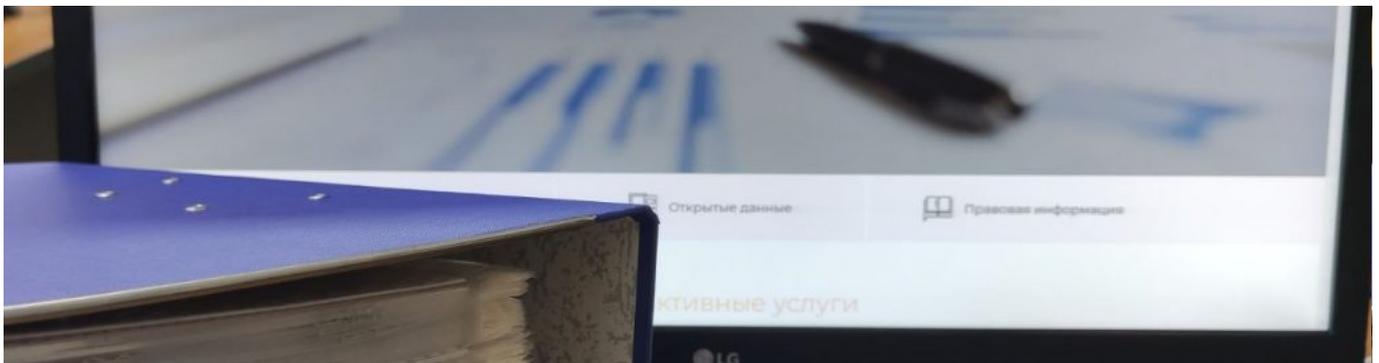


«Unnecessary regulation of the non-governmental non-profit sector, the maintenance of bureaucratic hurdles and the prevalence of the control functions over building an equal social partnership - all together impede the development of civil society in Uzbekistan», experts Dilmurad Yusupov and Oybek Isakov note in their article for CABAR.asia.

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#### Why is it Difficult to Open an NGO in Uzbekistan?

In their previous paper, “*Why is it difficult to open an NGO in Uzbekistan?*” [1], the authors addressed mainly the registration issues of self-initiated non-governmental non-profit organizations (*shortly known as NGOs in other countries - editor’s note*). The issues do not end there, however. After lengthy administrative proceedings and obtaining the long-awaited registration certificate, many social activists face other barriers as they carry their statutory activities.

In a presidential decree of May 4, 2018 [2], Shavkat Mirziyoyev noted that the norms that govern registration procedures and activities of NGOs “*provide for excessive bureaucratic requirements and obstacles that are outdated and do not meet modern demands*”. The decree, unfortunately, is not being implemented properly. It is evidenced by the low level of involvement of civil society institutions in the reforms’ implementation and in the social and economic development of the republic. The President of Uzbekistan has repeatedly referred to these problems in his annual messages to the country’s Parliament in 2019 and 2020.

There is practically no work of NGOs under the law “On Public Control” [3]. The Law on Social Partnership [4], adopted in September 2014, does not actually work without effective mechanisms for its implementation. Up to now, systematic dialogue between public

authorities and NGOs are yet to be established, while a national model for the civil society's growth is yet to be developed. Local government officials are yet to report on the development of NGOs and ensuring their rights and legitimate interests.

The presidential decree of May 2018 established an *Advisory Council on the Development of Civil Society under the President of the Republic of Uzbekistan*. It had to suggest a strategy for the development of civil society, but the deadlines were not specified. Although the council has celebrated its second anniversary in May this year, no fundamental reforms were adopted in the "tertiary sector". 10 to 12 committees, to authors' knowledge, were established within the council, including a separate committee responsible for strategy development. However, it doesn't feel like the Council puts efforts to protect and liberalize the NGO sector.

Despite the numerous regulations adopted to improve the NGOs' efficiency, the "tertiary sector" in Uzbekistan is underdeveloped after all. Self-initiated NGOs (*in contrast to Backbone Organization or Government-Operated Non-Governmental Organizations (GONGOs)*) do not have sufficient organizational capacity and resources to contribute heavily to the country's development. The authors attribute this mainly to the *excessive regulation of the sector and the predominance of control functions* over the development of equal partnerships with civil society institutions.

### **Notification, reconciliation or approval?**

First, we must recognize that the financial assistance provided by the Uzbek government to the tertiary sector is rather limited. In poor implementation are the state support and encouragement of the activities of self-initiated NGOs. The Public Foundation for the Support of NGOs and other civil society institutions under the Oliy Majlis is one of the main NGOs' donors. However, grants and social contracts issued by the fund cover only a small number of organizations in the country.

As of the latest reports, the NGO sector attracted about 2.7 trillion UZS in 2016 from various sources. As seen in the diagram below, the structure of financial revenues is dominated by the membership fees, application fees, voluntary contributions and donations, and other revenues within the country. *Revenues from foreign and international organizations constitute only 11%*, while the allocation of funds from state trust and special extra-budgetary funds is quite limited - at almost 10%.

Even though NGOs in Uzbekistan submit their annual reports to the State Statistics

Committee by March 2, the data on the financial indicators of NGOs is not that easily accessible in the public domain. Due to the lack of information for the last three years, the authors had to use 2016 data to analyze the financial indicators of the sector. The data is retrieved from the 2018 [report](#) of the Independent Institute for Monitoring and the Formation of Civil Society (NIMFOGO).

The May presidential decree also declared that *“civil society institutions cannot afford the implementation of medium-term and long-term large-scale and republic-wide projects and programs with the state-allocated funds”*. The decree provided for a two-month period of public funds’ establishment to support NGOs and other civil society institutions by allocating the required funds from local government budgets starting from 2019. Currently, public funds supporting NGOs are registered in all regions of the country with almost none of them functioning. Until now, funds have not been allocated and the staff has not been formed. For instance, the Ferghana regional branch of Uzbekistan’s Association of Disabled People for the second year in a row has not been able to apply for grants and subsidies to the regional public fund for supporting NGOs. The latter has neither funds nor staff members. A similar situation is observed in other regions.

In accordance with the laws “On NGOs”[\[5\]](#) and “On Public Associations”[\[6\]](#), NGOs are entitled to receive grants and financial assistance from foreign donors. However, given the limited financial resources allocated by the state, many restrictions remain on foreign funding of NGOs. In a recent press release, Uzbekistan’s Ministry of Justice noted that *“NGOs can make use of funds and property received from foreign states, international and foreign organizations, after reconciling the receipt with the registration body”*[\[7\]](#).

However, as before, to receive the grants NGOs still must undergo bureaucratic procedures. This resembles the so-called *“grant commission”*, which did not exist according to the documents but de facto carried out its activities. Earlier, the recipient (NGO) had to open a bank account only at the branches of the National Bank for Foreign Economic Affairs of the Republic of Uzbekistan or at the state-owned joint-stock commercial bank Asaka. However, the Justice Ministry argues that now *“grant funds are received on the bank accounts of NGOs in any bank institutions”*.

The Cabinet of Ministers’ recent resolution of October 9, 2019[\[8\]](#) went unnoticed. The document approved the new regulation procedure, according to which NGOs must *reconcile* the reception of money and property from international donors with the Ministry of Justice. According to the adopted document, if the amount of money and property received over one calendar year does not exceed 20 baseline estimates (4460000 UZS as of February 1, 2020), then the documents are to be submitted to the Justice Ministry *for information*. If the

amount exceeds 20 baseline estimates, documents are submitted *for approval*. Considering that 20 baseline estimates over one calendar year are a small amount (a little more than 450 US dollars), for many NGOs wishing to receive grants from international donors, *the reconciliation* most often implies a non-notification. Clause 12 of the decision grants the right to the judicial body *to refuse in the reconciliation of a grant indicating the reasons* in written or electronic format.

Paragraph 13 of the resolution articulates that the registration authority might deny the reconciliation if the foreign funds and property are aimed at “*forcibly changing the constitutional system, undermining the sovereignty, integrity, and security of the Republic of Uzbekistan, infringing constitutional rights and freedoms of citizens, the propaganda of war & social, national, racial and religious hatred, legalizing proceeds from criminal activity and financing terrorism, encroachment on the health and morality of citizens*”. Interestingly, Article 25 of the Law “On NGOs” contains a similar clause and may initially serve as the basis for denial of NGOs’ state registration. If the legal authorities have already examined the constituent documents for compliance with Article 25’s requirements and have registered the charter of NGO, then why do they need to reconcile and examine documents for receiving foreign grants and property under the same clause? The state registration of NGOs already implies approval of its statutory activities, and the organization already bears all the liabilities.

In addition, according to paragraph 13, the regulator has the right in the reconciliation of a grant if it poses possible offenses against the *morality* of citizens. However, this concept is not fixed by law and, given the vague nature, the paragraph can be used by the legal authorities to reject foreign funding for NGOs. The resolution also lists other reasons for rejection: if the documents contain false information, if the receipt of funds or property is contrary to the legislation and the charter of NGOs, if the application for approval was submitted in non-compliance with the established procedure and deadlines, if additional documents requested by the registering authority are not provided.

The same procedures occurred with the so-called *grant commission* that kept the documents for consideration. The NGOs received funds “*freely & smoothly*” on their bank accounts only after the commission gave approval. What then is different about this regulatory innovation if NGOs still must reconcile all their financial receipts with the registration body? Many self-initiated NGOs claim that nothing has changed and the receipt of grants requires their coordination with the judiciary as before. For example, on February 1, *the Modern Journalism Development Center* made a public [appeal](#) addressed to the Justice Minister Ruslanbek Davletov[9]. The center received a grant from IREX (Europe) to implement a project on increasing media literacy among youth, countering fake news & misinformation

and broadly developing critical thinking. The Center sent a letter to the Ministry of Justice with the required documents on January 13, 2020. It received an [approval](#) on February 28 *only a month and a half after* a public appeal on social media.

### **Where are the promised “NGO houses”?**

**About 80% of NGOs, particularly in the regions of Uzbekistan, do not have their placements.**

A systematic analysis of the needs of NGOs, provided for by a presidential decree in May, is yet to be executed. Effective platforms for the exchange of views on further state and public development are yet to be created. The rental of office space for NGOs comes forefront among issues after the registration. NGOs, unlike commercial entities, do not have the initial capital and cannot afford to pay rent. *About 80% of NGOs, particularly in the regions of Uzbekistan, do not have their placements.* The situation is very deplorable for 3 thousand self-initiated NGOs that do not receive direct financial and organizational state assistance compared to the backbone and government-operated NGOs (GONGOs).

The May presidential decree mentions dissatisfaction over “the logistical constraints of non-governmental non-profit organizations”. The Council of Ministers of the Republic of Karakalpakstan, khokimiyats of regions and the city of Tashkent, together with the State Committee for the Promotion of Privatized Enterprises and the Development of Competition, according to the presidential decree, had to build “*Houses for NGOs*” instead of empty and inefficiently used state property in all the country’s regions until January 1, 2019. However, according to reports, there were only three “NGO houses” built throughout the republic - one in [Urgench](#) that locates 19 NGOs, one in [Gulistan](#) with 12 NGOs, and one in Nukus.

“Houses for NGOs” in other regions are built only for demonstrations during visits of high-ranking guests from the capital. Representatives of NGOs are often placed in unsuitable buildings in disrepair. For example, a self-initiated NGO in Samarkand was placed in a college dormitory, the roof of the building of which was recently demolished by a hurricane. A similar situation is probably observed in other supposedly existing “NGO houses”. In Tashkent itself, there is still no NGO house, although according to unconfirmed reports, such a house should open in the capital in March of this year.



The building of the Samarkand Automobile and Highway Professional College dormitory, where the “NGO house” was established on February 12, 2020. [Source](#).

Several “NGO houses” won’t certainly solve the problems of all existing NGOs, especially self-initiated ones without access to state support. There may simply not be enough space for everyone. Besides, *the criteria for the allocation of premises in such “houses” remain unclear*. There are fears that they will most likely host backbone NGOs, or GONGOs, while self-initiated ones will end up without placement. The May presidential decree declared that the premises in the “NGO houses” will be allocated on the “zero” rental rate - basis primarily to newly created NGOs that work in socially significant areas. There are concerns that these criteria will not be met and places in the established “NGO houses” will be mostly provided to NGOs formed with the state help rather than to self-initiated NGOs.

In this regard, along with the “NGO houses”, some NGOs offer to consider the creation of *coworking centers* for NGOs. One “NGO house” will not be able to accommodate a large number of NGOs, and a cabinet system for placing offices of NGOs might not be practical. At the same time, in the coworking centers, one can establish several rooms for training and negotiations, a library and a resource center for NGOs, food zone, Wi-Fi network and other amenities. The premises of coworking centers could be used as necessary, having previously agreed with their administration. The address of coworking centers could be

used as the legal address of the NGO.

### **Intervention in the activities of NGOs?**

Section 4 of the Law “On Non-Governmental Non-Profit Organizations” states that *“interference by state bodies and their officials in the activities of a non-governmental non-profit organization (NGO), as well as interference by an NGO in the activities of state bodies and their officials, are not allowed”*. However, there is unnecessary custody in practice, along with the intervention of legal authorities in the NGO activities. Legal authorities, by order of the Minister of June 1, 2018[10], exercise undue control over the NGOs’ activities. The regulation on the procedure for notifying planned events requires NGOs to inform in advance about planned conferences, seminars, training, meetings, events, round tables, symposia and other forms of events in Uzbekistan *or foreign countries*. At the same time, the requirements of this provision do not apply to events of political parties and religious organizations.

If an NGO plans to hold an event on the territory of Uzbekistan without foreign citizens in participation, *it should notify the local justice body at least 10 days before the event*. If the event is planned to be held on the territory of Uzbekistan *with the participation of foreign citizens or on the territory of a foreign state - notification at least 20 days before the event*. There is a special notification form consisting of 12 items. This form can now be sent online through the new NGO portal [E-NGO.uz](http://E-NGO.uz). The information to be provided in advance as follows: the topic and participants, the date and the venue, the basis for the holding and sources of funding, attached copies of handouts, print, audio-visual and other materials, as well as personal data of participating foreign citizens.

## Регистрация мероприятия, заявка № 59

Шаг 1  
Цель

Шаг 2  
Тема и участники

Шаг 3  
Время проведения

Шаг 4  
Основание и источники финансирования

Шаг 5  
Документы

Шаг 6  
Участники иностранные граждане

Шаг 7  
Проверить

### Информация о запланированном мероприятии

Название ННО	ILMIY-TEKNIK HANMOKORLIKKA KO'MAKLASHISH BO'YICHA O'ZBEKISTON-HINDISTON MARKAZI
Цель проведения мероприятия	Повышение квалификации сотрудников
Форма проведения мероприятия	Training
Тема проведения мероприятия	Повышение квалификации
Целевые группы для участия в мероприятии	Сотрудники
Планируемое количество участников	25
Основание для проведения мероприятия	
Источники финансирования мероприятия (Если имеются)	
Список партнеров при проведении мероприятия (Если имеются)	

### Место и время проведения мероприятия

Дата мероприятия	Время	Место проведения мероприятия
30.01.2020 - 31.01.2020	12:00 - 13:00	город Ташкент, Мирзо-Улугбекский район, ул. Иванова, 21

### Документы

Наименование приложения	Название файла
Список иностранных граждан, участвующих в мероприятии	

№	Ф.И.О.	Гражданство	Год рождения	Место работы и занимаемая должность
1	IVANOV IVAN IVANOVICH	Российская Федерация	01.01.1990	ООО "TESTCORP", Генеральный директор

**Внимание**  
Посредством анализа уведомления судебный орган проверяет достоверность содержащейся в нем информации, а также соответствие деятельности законодательству и целям и задачам, изложенным в уставе или уставе организаций ННО.

**Для информации**  
Органы юстиции могут запрашивать дополнительную информацию с целью разъяснения информации, представленной в Уведомлении, но не позднее, чем за три дня до проведения мероприятия. Органы юстиции могут принять решение о запрете проведения мероприятий неправительственными некоммерческими организациями на основании результатов ознакомления с уведомлением.

2  
Проверить и корректировать извещение

1  
Закончить и редактирование и опубликовать

Portal of non-governmental non-profit organizations of the Ministry of Justice of the Republic of Uzbekistan Screenshot:  
[http://e-ngo.uz/static/static\\_files/NNO\\_event.pdf](http://e-ngo.uz/static/static_files/NNO_event.pdf)

Article 89 of the original [draft](#) Code on NGOs preserved all these requirements that *practically characterize the direct intervention of the legal authorities in the activities of NGOs*. Besides, according to the Regulation, NGOs must also notify about visits abroad or about visits of foreign guests. Don't you think that the constitutional right to freedom of movement is limited for a citizen representing an NGO?

Based on all of the above, we can conclude that the state, *instead of liberalizing the third sector, on the contrary, is trying to tighten control functions*. There is a mistrust of the regulator in registered NGOs. The dissatisfactory logistics constraints and financing of self-initiated NGOs, bureaucratic requirements and obstacles for receiving international grants, and interference in the activities of NGOs in the form of prior approval or notification of all planned activities in Uzbekistan and abroad – all add unnecessary paperwork and workload

both for NGOs and the sector regulators.

The state, instead of liberalizing the third sector, on the contrary, is trying to tighten control functions.

### **From control to social partnership**

The observations of both the authors and the civil society representatives demonstrate that practically nothing has changed in the approval and notification – system of everything related to the NGOs’ activities. Grants from international organizations, events, contacts with international partners, travel outside the country – all must be agreed upon, or at least notified to the local judicial authorities. *There is an acute lack of government’s trust in NGOs’ representatives, which leads to the prevalence of control functions.* If these tough measures are taken by the NGO sector’s regulator to monitor the activities of public organizations, then why they don’t do it by analyzing the annual financial and operational reporting of NGOs?

There is an acute lack of government’s trust in NGOs’ representatives, which leads to the prevalence of control functions.

On January 24, in his message to the Oliy Majlis, President Shavkat Mirziyoyev explained that “NGOs and other civil society institutions are expected *to draw the attention of state bodies to citizens’ concerns as well as to their justified proposals*” [\[11\]](#). The President also accentuated the need to establish social partnerships with NGOs and increase the volume of grants and the social contracts. Much attention nowadays is paid to attracting foreign investment for business and entrepreneurship development throughout the republic. But we forget that international assistance for development in the form of grants and gratis financial support for NGOs and other civil society institutions is also an investment in the country’s social and economic development. For the development of the tertiary sector, as well as small and medium-sized businesses and entrepreneurship, we should ensure *the freedom of conducting their activities and opposition to any kind of government intervention in their work.*

To solve these problems, we might as well look up to developed countries in their state-NGOs relations to develop and implement our own strategies. The state in developed countries, together with the tertiary sector, forms a kind of social order, determines the amount of its financing, and then entrusts the fulfillment of this social order almost fully to non-profit organizations, helping them to obtain the necessary financing both from budget and grant funds. In developed democracies, government agencies usually *reserve the right*

*only to determine only priorities for social development together with civil society, allocate budget funds on a competitive basis, and also monitor the execution of social orders.*

The unavailability of the tertiary sector's organizational and financial indicators complicates the study and analysis of systemic problems and shortcomings of NGOs that impede their active participation in ongoing large-scale reforms. The lack of academic research in this area makes it difficult to develop and adopt *the NGO Code*, which provides a mechanism to increase the capacity of civil society institutions. The preliminary draft Code on NGOs does not meet the requirements of the President's May decree. The draft state program for 2020 provides for the development and adoption of a short-term and long-term development strategy for civil society by May 1, 2020[12]. It would be logical to develop and adopt a draft NGO Code based on the provisions and in accordance with the development strategy of civil society in Uzbekistan.

To summarize: one cannot neglect the positive changes in the field of NGOs' regulation, such as a reduction in the fees for NGOs' state registration, a reduction in the time for consideration of NGOs' constituent documents from two months to one, etc. *However, many changes are superficial with certain internal bureaucratic barriers for the registration and operation of NGOs.* Sometimes it looks like direct sabotage of the May presidential decree of 2018 "On measures to fundamentally increase the role of civil society institutions in the democratic renewal of the country". At a recent [press conference](#) with journalists and bloggers, Minister of Justice Ruslanbek Davletov promised that the new NGO Code would simplify many procedures and make them more transparent. We aim that this article will be perceived by the regulator of the NGO sector as a positive and constructive basis for the development of civil society in Uzbekistan.

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*This material has been prepared as part of the Giving Voice, Driving Change – from the Borderland to the Steppes Project. The opinions expressed in the article do not reflect the position of the editorial board or donor.*

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[1] Why is it difficult to open an NGO in Uzbekistan? <https://cabar.asia/en/why-is-it-difficult-to-open-an-ngo-in-uzbekistan/>

[2] Decree of the President of the Republic of Uzbekistan dated May 4, 2018 No. UP-5430 "On measures to radically increase the role of civil society institutions in the process of democratic renewal of the country" // URL: <http://lex.uz/docs/3721651>

[3] The Law of the Republic of Uzbekistan "On Public Control" dated April 12, 2018 // URL: <https://lex.uz/docs/3679099>

- [4] The Law of the Republic of Uzbekistan “On Social Partnership” dated September 25, 2014 // URL: <https://www.lex.uz/docs/2468216>
- [5] The Law of the Republic of Uzbekistan “On Non-Governmental Non-Profit Organizations” dated April 14, 1999 // URL: <https://www.lex.uz/acts/10863>
- [6] The Law of the Republic of Uzbekistan “On Public Associations” dated February 15, 1991 // URL: <https://www.lex.uz/acts/111827>
- [7] Refusal to register NGOs: causes and effects, Gazeta.uz, January 28, 2020 // URL: <https://www.gazeta.uz/ru/2020/01/28/mj/>
- [8] Resolution of the Cabinet of Ministers of the Republic of Uzbekistan “On approving the procedure for accepting the receipt of funds by non-governmental non-profit organizations from foreign states, international and foreign organizations, citizens of foreign states or, on their instructions from other persons” dated October 9, 2019 // URL: <https://lex.uz/ru/docs/4546607> (the text of the act is in Uzbek)
- [9] The official website of the non-governmental non-profit organization “Center for the Development of Modern Journalism of the Republic of Uzbekistan” // URL: <http://www.mjdc.uz/> Their appeal to the Minister of Justice on Facebook: <https://www.facebook.com/109866433906189/posts/111774603715372> / (as of February 28, 2020)
- [10] The order of the Justice Minister of the Republic of Uzbekistan “On approval of the regulative procedure for notification of planned activities of non-governmental non-profit organizations” of June 1, 2018 // URL: <https://www.lex.uz/acts/3776151#3776168> (the text of the act is in Uzbek language)
- [11] President of the Republic of Uzbekistan Shavkat Mirziyoeva Oli Majilisu // URL: <https://president.uz/ru/lists/view/3324>
- [12] The project of the State program “Year of developing science, education and the digital economy” // URL: <http://2020.strategy.uz/>



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