ICNL

OVERVIEW

Uzbekistan: Overview of International Experience of Self-Regulation in the Non-Governmental Organization (NGO) Sector

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Introduction

This Overview of international experience of self-regulation in the non-government organization (NGO) sector was prepared by the International Center for Not-for-Profit Law (ICNL) at the request of Uzbekistan nongovernmental noncommercial organizations (NNOs), which are the most common NGO legal form in Uzbekistan. The Overview focuses on ethics codes as a separate mechanism for NGO self-regulation.

The purpose of this Overview is to provide Uzbek NNOs with information that will help them answer the question: "Do Uzbek NNOs need an ethics code, and if so, what should it be like and how should it be developed?"

In this Overview, we will consider the following questions:

1. Is an ethics code needed for NGOs, and what are its goals?
2. The relationship between an NGO ethics code and legislation.
3. Types and content of ethics codes.
4. The process of developing an ethics code.
5. Situations when an ethics code is not needed or is ineffective.
6. Useful resources and examples of effective NGO codes of ethics from international practice.

Key findings of the Overview:

- Any ethics code for NGOs must be developed and adopted on the initiative of the NNOs themselves. The state has no right to oblige NGOs to adopt and/or implement

an ethics code. Forced adoption of a code may be perceived as interference in freedom of association and weaken its legitimacy.

- Developing a code makes sense if it responds to specific challenges: the need to strengthen trust, improve professional standards, etc. If at the time of development there are no clear problems or requests from NGOs, the code risks remaining a formality.

1.   IS AN ETHICS CODE NEEDED FOR NGOS, AND WHAT ARE ITS GOALS?

There is no universal answer to the question of whether NGOs in any country need an ethics code. The decision must always be made by the NGOs themselves in a particular country, based on the specific situation, tasks, and context. Moreover, the decision must be made by each NGO independently. No NGO or group of NGOs can impose this decision on the entire sector.

The nature of the self-regulation mechanism, including ethics codes, is such that NGOs voluntarily and for themselves decide whether to adopt and apply codes and the obligations included therein. Ethics codes are adopted voluntarily and reflect the agreement of the organization to adhere to certain principles and standards in its activities. They are not subject to state regulation and mandatory execution by law.

Below are examples of problems that codes of ethics can help solve:

1.1. Increasing public trust in NGOs

In some cases, an ethics code may be useful in restoring or strengthening the reputation of the sector, for example, in the light of scandals involving misconduct by individual organizations, where charitable contributions were misused or used for the personal enrichment of the organizations' management. [1] Such behavior by one or more organizations can be unusual for the NGO sector, but it may cast a shadow on all organizations and reduce their credibility with the public, including donors and beneficiaries.

In such a situation, NGOs may (if they wish and on their own initiative) decide to develop an ethics code (transparency), providing the public with an opportunity to learn more about the NGO's activities, internal governance structure, operating principles of the organization, its management, members, and employees. A group of like-minded NGOs often adopt such codes and they may be open to include other

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[1] Scandal with the American organization United Way in the 90s: "ARAMONY CONFRONTATION DESCRIBED ", 1995, Washington Post. Scandal with the Estonian NGO "Glory to Ukraine" https://xn--80afol.online/tpost/88vb0dike1-skandal-s-pozhertvovaniyami-glava-nko-sl. Scandal with Kazakhstan NGO « Case Perizat Kairat » https://rus.azattyq.org/a/33207475.html.

NGOs.[2] Their adoption can be an important signal to society and partners about the sector's readiness for greater transparency and accountability.

1.2. Improving professional standards of NGO work

Adoption of an ethics code, which formulates the basic principles of the work of an NGO, its employees, members, and volunteers, will ensure a common understanding of the basic values and principles by all those involved in the work of an NGO. This can make the work of such organizations more effective, distinguish them from other organizations in the eyes of the public and donors, and in the long term, as one of the results, attract additional support for their activities. Such codes can be adopted by NGOs individually[3] or by a group of like-minded organizations.[4]

1.3. A Voluntary Alternative to Overregulation of NGOs

The need to develop an ethics code may arise in cases where liberal legislation does not provide for reporting requirements and control over the activities of NGOs. This approach is consistent with international law, in particular the International Covenant on Civil and Political Rights (ICCPR), which guarantees the right to freedom of association. However, in some cases, this may increase external risks for the state, for example, related to the possible misuse of NGOs for the purposes of financing terrorism.[5]

The Financial Action Task Force (FATF) Best Practices Paper suggests possible self-regulatory mechanisms that could reduce the risk of NGOs being misused for the purposes of terrorist financing where such a risk exists. For example[6]:

- *"Voluntary sector standards: Providing a set of general principles, operational principles and standards for the activities and management of organizations. Voluntary industry standards or codes of conduct aim to govern and improve conduct in the sector or specific types of organizations in the sector."*
- *"Sector codes with independent verification of compliance, certification or accreditation. Certification systems require NPOs to adhere to a set of standards, e.g. requirements on*

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[2] United Way Worldwide Code of Ethics: https://www.unitedway.org/sites/default/files/2025-03/250213_LGL_UWW%20Code%20of%20Ethics%20Brochure_FillablePDF.pdf.

[3] Code of Professional Ethics of NPO JSC NRD www.nsd.ru/upload/docs/disclosure/prof_etika_2021_03_26.Pdf.

[4] Maryland Nonprofits Standards of Excellence Code at https://standardsforexcellence.org/about-the-standards/standards-for-excellence-code/ ; Interaction NGO Standards: Accountability Transparency, Effectiveness at https://www.interaction.org/wp-content/uploads/2020/04/NGO-Standards_March-2020.pdf .

[5] Financial Action Task Force document on money laundering (FATF) (eng. Financial Action Task Force on Money Laundering (FATF) Best Practices: Countering the Use of Non-Profit Organizations for Terrorist Financing Purposes, November 2023 (in English) (Document advanced practices FATF), S. 59 Section HOW CAN NPOs PROTECT THEMSELVES AGAINST TF ABUSE https://www.fatf-gafi.org/en/publications/Financialinclusionandnpoissues/Bpp-combating-abuse-npo.html.

[6] Paragraph 96 of the FATF Best Practices Paper.

transparency in reporting (such as annual financial reports), fundraising expenses thresholds (to control overspending), and adoption of codes of conduct, which are reviewed regularly by the standard setting entity. Certification is often fee-based. Failure to adhere to the requirements can be sanctioned by the withdrawal of the accreditation."

It should be emphasized that such self-regulatory mechanisms are not mandatory for NGOs. NGOs themselves may consider adopting them when there is a risk of NGOs being misused for terrorist financing purposes and when NGOs themselves see such mechanisms as effective means of reducing the risk.

In Central Asian states, including Uzbekistan, the legislation for NGOs provides for sufficient and, in some cases, excessive requirements for reporting and state control over the activities of NGOs. In such a situation, there is no need to introduce self-regulation mechanisms to increase the transparency of NGOs for the above-mentioned purposes, unless the NGOs themselves see the need for this.

2. NGO ETHICS CODES AND LEGISLATION

NGO ethics codes, as self-regulation mechanisms, are fundamentally different from laws and other normative legal acts. Legislative requirements are mandatory for all NGOs, regardless of whether the NGOs agree with these requirements or not. However, laws cannot prescribe norms of ethical behavior for NGOs or their employees and management. The law also cannot prescribe the obligation of NGOs to adopt an ethics code or determine which provisions to include in such a code. Laws also cannot establish liability for failure to adopt or violation of individual provisions of the adopted code.

As for the ethics code, NGOs decide for themselves whether they need a code and whether they will comply with its provisions. Mechanisms for ensuring compliance with the provisions in ethics codes are always provided for in the codes themselves, so they are not based on repressive sanctions, but rather on the internal commitment of each organization that has joined the code to comply with it. Any organization should be able to refuse to comply with the obligations in the code at any time.

If the state is interested in NGOs adopting such a code, it can use incentives to do so, for example:

- to inform about the benefits of such a self-regulatory mechanism and about successful experiences in applying ethics codes;
- to encourage organizations that adopt ethics codes through positive recognition and public support;
- to consider the presence of an ethics code as an additional advantage when providing grants or other forms of support.

Such measures by the state and donors are an important incentive for NGOs to adopt and implement the provisions of the ethics code. The proposed approach is consistent with international standards for regulating NGOs, including the ICCPR and the OSCE/ODIHR Guidelines on Freedom of Association, which enshrine minimal state interference in the activities of NGOs and the voluntary nature of any forms of self-regulation. In particular, paragraph 224 of the Guidelines [7] explicitly states that international and regional treaties do not contain requirements for transparency in the internal functioning of associations, since they have the right to be free from state interference in their internal affairs. At the same time, openness and transparency are fundamental to accountability and public trust, and the state should not require them, but rather encourage and stimulate them.

3. TYPES AND CONTENT OF ETHICS CODES

No two ethics codes are alike: each code is unique and reflects the specific realities and needs of NGOs. The content of codes can vary from those that regulate in detail the standards of work for NGOs,[8] to codes that set out the general operating principles and values to which the organization is committed.[9]

3.1. Types of codes

Codes may vary in scope and target audience, for example:

- **Sectoral codes** are developed for organizations working in one area and consider the specific tasks and risks of this area. For example, environmental organizations[10] may have different tasks compared to the those of organizations protecting rights and providing services in the healthcare sector,[11] or analytical centers.[12]

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[7] OSCE/ODIHR Guidelines on Freedom of Association. P.80.
https://www.osce. org/files/f/documents/3/3/160961.pdf

[8] Maryland Nonprofits Standards of Excellence Code at https://standardsforexcellence.org/about-the-standards/standards-for-excellence-code/. Sphere Handbook: Humanitarian Charter and Minimum Standards to Humanitarian Response at https://www.spherestandards.org/handbook/editions/; Code of Ethics of the Union of Public Associations of Estonia
https://heakodanik.ee/ru/news 1%81-%D0%BD%D0%BA%D0%BE/.

[9] American Red Cross: Code of business ethics and conduct at www.redcross.org/content/dam/redcross/about-us/governance/Code-of-Business-Ethics-and-Conduct.pdf?srsltid=AfmBOooZ6GtZQPzMVaZfOylvZG_x_74IzFAtgo3CkGPsyYOCcXwgZIaB.

[10] Code of Ethics of National Association of Environmental Professionals at https://www.naep.org/code-of-ethics. Code of Ethics of American Society of Landscape Architects at https://www.asla.org/contentdetail.aspx?id=4308 .

[11] Code of Ethics of the World Health Organization
https://cdn.who.int/media/docs/default-source/ethics/code-of-ethics_ru.pdf?sfvrsn=d56578a66&download=true.
Code of Ethics of the Sanofi organization: https://www.codeofconduct.sanofi/ru.

[12] American Library Association Code of Ethics at https://www.ala.org/tools/ethics. An Ethical Framework for Think Tanks: Easier Drafted Then Done, by European Policy Center https://epc-web-s3.s3.amazonaws.com/content/PDF/2020/An_ethical_framework_for_think_tanks_v3.pdf .

- **Codes of national coalitions** [13]– reflect common ethical standards for members of a network of NGOs united within a country, administrative unit or region.
- **Codes of individual organizations** [14]– regulate the internal principles of work and standards of conduct of a specific NGO.

Ethics codes that all NGOs in the country would sign up to do not exist in practice. At the same time, there are quite a few codes that may have universal value and are open to joining by NGOs of any profile[15] that seek to comply with the requirements of the code.

3.2. Basic elements of an ethics code

Ethics codes aimed at ensuring the transparency of NGO activities have different contents. However, the following components can be identified, which are quite common in codes[16]:

- **The goals and objectives** of the code, including the rationale for its necessity.
- **The scope of** the code – to whom its provisions apply (employees, members, volunteers of NGOs, specific types of NGOs, etc.).
- **The obligations** in the code – for example, internal governance standards, rules for relationships with donors and beneficiaries, management remuneration policies, rules for preventing conflicts of interest, transparency requirements, etc.
- **Enforcement mechanisms** – may include monitoring procedures, complaint review procedures, and response measures to violations.

Such structuring can help make the code more understandable, applicable, and relevant to the needs of NGOs or groups of NGOs.

4. THE PROCESS OF DEVELOPING AN ETHICS CODE

The initiative to develop a code must come from an NGO or a group of like-minded NGOs. The highest governing body of the NGO makes a decision to adopt a code for itself and its employees/volunteers/members, etc.

4.1. Defining goals and objectives

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[13]Maryland Nonprofits Standards of Excellence Code:
https://standardsforexcellence.org/about-the-standards/standards-for-excellence-code/.
Code of Ethics of the Union of Public Associations of Estonia
https://heakodanik.ee/ru/news1%81-%D0%BD%D0%BA%D0%BE/.
[14]American Library Association Code of Ethics:
https://www.ala.org/tools/ethics.
[15]Maryland Nonprofits Standards of Excellence Code:
https://standardsforexcellence.org/about-the-standards/standards-for-excellence-code/.
[16]Transparency International U4 Expert Answer: Developing a code of conduct for NGOs
https://www.u4.no/publications/developing-a-code-of-conduct-for-ngos.

At the initial stage, the following should be clearly formulated:

- justification of the need to adopt the code;
- the tasks that are planned to be solved by adopting the code; and
- the range of issues that the code will regulate.

4.2. Principles of development

Transparency of the development process. If there is an intention to have a wide range of NGOs that will join the code, then it is advisable to conduct consultations not only with the initiative group of like-minded organizations, but also with a wider range of NGOs. The text of the draft code, proposals for its revision and the results of the discussions should be available for review by all interested organizations. This will ensure trust in the process and increase the likelihood that more NGOs will support and implement it.

Openness to allow others to join. Any NGO should be able to join the development and signing of the code at any stage, except in cases where the code is being developed for an individual organization. This approach will broaden the reach and increase the legitimacy of the code.

Commitment. The key is to have a group of like-minded people who will form the basis of the initiative group for developing the code. The initiative group should not only properly organize the development and discussion of the draft code but also be ready to be the first to implement the future provisions of the code in practice. This will serve as a positive example for other NGOs and encourage them to join.

4.3. Stakeholder engagement

If the goal of the code is to increase donor trust, it is useful to involve them at the earliest stages of development. This will allow their expectations to be considered and will increase the value of the document for both NGOs and partners.

Transparency International, in its Guide to Developing a Code of Conduct for NGOs,[17] also provides valuable advice on developing an NGO ethics code.

5. WHEN AN ETHICS CODE IS NOT NEEDED AND MAY NOT BE EFFECTIVE FOR AN NGO

5.1. Ethics Code as a Formal "Good Idea"

A code will not be useful if it does not solve real problems and is developed solely "for show." Since 1999, the ICNL has encountered numerous examples when NGOs read interesting material about the benefits of ethics codes and agree that, in principle, it would be useful for NGOs in their country. However, the talk was never about how such

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[17] Ibid.

code would make the work of a particular organization better (help to correct mistakes, make specific changes in work), since that organization was already doing well. As a rule, the talk was not even about other specific organizations that needed to correct something in their work, as the document was developed abstractly.

Such initiatives, in our experience, never resulted in the development of functional codes. At best, the result is a formal document that everyone forgets about after the last roundtable.

5.2. Ethics Code as a mandatory requirement of the state

By its nature, an ethics code is an instrument of voluntary self-regulation and therefore cannot be imposed by the state. If the state wants to solve problems in regulating activities of NGOs, it must use the legal mechanisms available to it – in particular, the adoption of laws and bylaws.

The Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No. 228 dated May 2, 2025, approved the Roadmap for the Implementation of the Civil Society Development Concept in 2025. The Roadmap provides for the "*development and adoption of the Code of Ethics of NNOs*" (paragraph 3). The National Assembly of Non-Governmental Non-Commercial Organizations of the Republic of Uzbekistan (NANNOUz) and the Center for the Study of Democratic Processes (in coordination with the Ministry of Justice) have been appointed as responsible executors. It is somewhat concerning that the Roadmap, as a normative act, provides for the development and adoption of the NNO Ethics Code as a mandatory event.

By definition, the development and adoption of an ethics code cannot be an obligation for an NNO. Even if the initiative to develop a code came from members of NANNOUz, the decision to adopt a code must remain within their competence and not be prescribed by the state in a normative legal act. In all cases, even if members of NANNOUz decided that such a code would be useful to them:

- the terms of adoption and the content of the code must be determined exclusively by the highest body - the meeting of members of NANNOUz;
- the adopted code can only be valid for its members; for other NNOs the code cannot be mandatory, since they have not voluntarily joined it;
- the state should not impose any sanctions for failure to comply with its provisions.

5.3. Ethics Code as a Donor Project

In the early 2000s, in a number of post-Soviet countries (Georgia, Ukraine, and others), there were cases when donors financed the development and adoption of ethics codes. The initiative was not based on NGOs' genuine needs, but was part of a grant project. In practice, donor funding for the development of a code, unfortunately, often began and

ended with the formal development and adoption of a code, as a direct result of the grant. In the absence of an internal request from NGOs, such documents were not further applied in practice and did not have a real impact on the activities of the sector.

6. USEFUL RESOURCES ON EFFECTIVE NGO CODES OF ETHICS IN INTERNATIONAL PRACTICE

In response to global issues and concerns regarding NGO transparency and accountability, a number of international NGOs have developed reporting standards for NGOs,[18] which in some cases can be adapted to suit the national context and serve as a basis for developing individual NGO codes of ethics.

Below are some useful resources:

- The Sphere Handbook: Humanitarian Charter and Minimum Standards to Humanitarian Response, 2018.[19]
- World Association of Non-Governmental Organizations (Wango): Code of Ethics & Conduct for NGOs.[20]
- Transparency International U4 Expert Answer: Developing a code of conduct for NGOs.[21]

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[18] Initiators, signatories this code include ActionAid International, Amnesty International, CIVICUS, Consumers International, Greenpeace, Oxfam International, Save the Children Alliance, Survival International, International Federation, Terre des Hommes, Transparency International, and World YWCA www.amnesty.org/en/wp-content/uploads/2021/08/ior800062006en.pdf.

[19] Available at: https://www.spherestandards.org/handbook/editions/

[20] Available at: https://www.wango.org/codeofethics.aspx

[21] Available at: https://www.u4.no/publications/developing-a-code-of-conduct-for-ngos