

Resolution #220

18 June, 2012

Tbilisi

Establishment of One National Authority – the Country Coordinating Mechanism against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia and Approval of Its Charter

Article 1. Pursuant to the first and 2nd paragraphs, Article 29 of the Law of Georgia On the Structure, Powers and Activities of the Government of Georgia and Articles 4 and 12 of the Law of Georgia on HIV Infection/AIDS, to establish One National Authority – the Country Coordinating Mechanism against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia.

Article 2. Approve the Charter of One National Authority – the Country Coordinating Mechanism against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia.

Article 3. This resolution takes effect immediately upon its publication.

Prime Minister N. Gilauri

Charter of One National Authority – the Country Coordinating Mechanism against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia

Article 1. General Provisions

1. One National Authority – the Country Coordinating Mechanism against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia (hereinafter referred to as the CCM) has been established pursuant to the first and 2nd paragraphs, Article 29 of Georgian Law On the Structure, Powers and Activities of the Government of Georgia and Articles 4 and 12 of Georgian Law on HIV Infection/AIDS.

2. The CCM is a collegiate authority established for improving outcomes and sustainability of activities carried out against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in

Georgia as well as to monitor public and private partnership mechanism on the national level when implementing healthcare programs in the abovementioned field.

3. The CCM carries out its activities according to the Georgian Constitution, international treaties and agreements executed by Georgia, Georgian laws, by-laws, normative acts, and this Charter, it fulfills the tasks provided for by the valid legislation and this Charter or charged on the CCM by the Georgian Government.

4. Legal address of the CCM: Georgia, Tbilisi 0119, Tsereteli Ave., 144.

Article 2. Goal and Functions of the CCM

1. Goal of the CCM is to ensure coordination on the national level among governmental, non-governmental and international organizations of the response against HIV Infection/AIDS, Tuberculosis and Malaria Diseases implemented through governmental, Global Fund to Fight AIDS, Tuberculosis and Malaria (hereinafter referred to as the Global Fund) as well as other donors' financial support.

2. Activities of the CCM encompass the fields of HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia, in particular, contribution to positive outcomes and sustainability of prevention, diagnostics, treatment, support and care activities.

3. Basic functions of the CCM:

a) Long-term planning and national response coordination of the activities against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia. For this purpose contribution to governmental, local, public and other organizations agreed actions and monitoring of their activities;

b) Provision of timely response to the initiatives and issues related to the response to the HIV Infection/AIDS, Tuberculosis and Malaria Diseases in the country, facilitation of the discussion, decision-making and implementation of important initiatives on the governmental level.

c) Participation in development of appropriate legislation;

d) Making recommendations and contribution to the extension of international cooperation;

e) If required by the institutions providing financial support (hereinafter referred to as donors):

- e.a.) Selection of Principal Recipients (either governmental or non-governmental organizations) in Georgia, for this purpose the CCM ensures transparency of the process and participation of all stakeholders.
- e.b.) Development and adoption of detailed instructions for the selection of Principal Recipients if required, as well as provision of the information to the interested parties.
- e.c.) Monitoring of the activities financed by donor organizations;
- e.d.) Coordination of the process of the development of new applications to be submitted for funding;
- e.e.) Assessment of appropriate spending and use and effectiveness of the funds and material values awarded by donors for the activities against HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia;
- f) Assessment of programs/projects and reporting the outcomes to the Georgian government and/or donors as well as to other stakeholders if required;
- g) Implementing of other functions designated by the valid legislation.

4. When fulfilling its functions the CCM:

- a) Cooperates with governmental, public and other organizations/institutions and physical persons;
- b) Invites specialists of different profile when necessary;
- c) Organizes international and local conferences, workshops and other activities;
- d) Requests documentation necessary for its work;
- e) Raises resources for prevention, diagnostics, treatment, support and care activities directed against spread of HIV Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia;
- f) Approves membership of the CCM, for this purpose develops and passes the regulation on the renewal of the CCM membership.

5. Within the scope of cooperation with the Global Fund the CCM:

- a) Reviews consolidated project proposals to be submitted to the Global Fund and ensures involvement of the stakeholders in this process;
- b) If necessary develops and determines financial and program reporting (submission of reports) form and regulations, binding for Principal Recipient(s);
- c) Defines regularity of programs/projects assessments together with Principal Recipient(s).

Article 3. Membership and Structure of the CCM

1. Members of the CCM are government entities, non-governmental and international organizations, and other stakeholders.
2. Organizational structure of the CCM consists of members and Secretariat.
3. The CCM elects the Chairperson out of its members once in 4 years.
4. Chairperson of the CCM implements the following duties:
 - a) Manages activities of the CCM;
 - b) Identifies and presents nominee for the Vice-Chair's position to the CCM for approval;
 - c) Signs the minutes of the CCM meetings as well as documents (resolutions, proposals, recommendations) developed/approved by the CCM;
 - d) Carries out official correspondence for and on behalf of the CCM;
 - e) Fulfills the CCM's representation function – acts as authorized representative of the CCM before Georgian and foreign authorities, international organizations, third parties, including the media.
 - f) Approves agenda of the CCM meetings;
 - g) Calls for and presides the CCM meetings;
 - h) Exercises the decisive vote right when equal votes set pro and contra;
 - i) Disposes monetary funds and material resources of the CCM according to the valid legislation;
 - j) Appoints Secretariat of the CCM;
 - k) Implements other rights and functions.
5. Quantity of the CCM members shall not exceed 30 members.
6. CCM membership comprises of:
 - a) Representatives of relevant governmental entities;
 - b) Representatives of the civil society (non-governmental organizations, private sector, international organizations, professional unions, educational sector, religious organizations), HIV infected, representatives of people affected with HIV/AIDS or Tuberculosis, representatives of groups and organizations, who are exposed to high risk of infection;
 - c) Representatives of multilateral and bilateral partner international organizations;

7. Quantity of the representatives/ persons indicated in item “b” of paragraph 6 shall not be less than 40% of the CCM members; besides, when completing structure of the CCM, the gender balance should be kept to the extent possible.

8. Members of the CCM shall:

- a) Participate in the CCM meetings, discussion of issues and voting;
- b) When making decisions take into consideration interests of the entity, institution or organization they represent; provide them with information;
- c) Declare conflict of interests if such arises in connection with some or another issue to be discussed;
- d) Support implementation of the CCM’s decisions.

9. Members of the CCM are authorized to:

- a) Have prior access to the material to be discussed, request additional information from the secretariat and propose own suggestions;
- b) Terminate his/her membership in the CCM;
- c) Act as a CCM representative before the third parties on the basis of the decision of the CCM;
- d) Provide stakeholders with information about work of the CCM and decisions made;
- e) Delegate his/her rights to a third party, this case should provide written notice to the CCM Secretariat in advance.

10. The persons who participate in the CCM meeting on behalf of CCM members shall have a power of delegation of the authority.

11. Renewal of the CCM members indicated in item “b” of paragraph 6 shall be made no frequent than once in 2 years, according to the CCM’s regulations on renewal.

12. Chairperson of the CCM appoints CCM Secretariat within two weeks since Chairperson’s election.

13. Secretariat fulfills the following functions:

- a) Development, distribution and archiving of the agendas and minutes of the CCM meetings;
- b) Ensuring availability of information about members of the CCM;
- c) Providing the Global Fund with information regarding changes in the CCM membership;
- d) Providing a relevant logistic support to the CCM for implementing oversight functions;

- e) Participation in development of the CCM's annual work plan;
- f) Organization of the CCM meetings;
- g) Documenting CCM activities and dissemination of this information;
- h) Support CCM members in the process of participation in the CCM work and decision-making;
- i) Facilitation of the communication among the CCM and stakeholders.

14. Staff members of secretariat shall be accountable before the CCM solely.

15. Staff members of secretariat have clearly defined authority. Appointment of secretariat staff members shall be transparent, on the principle of regular assessment of their work.

Article 4. Conflict of Interests and Resolution

1. Purpose of this article is to assist the CCM in prevention of conflict of interests and/or enable the CCM to respond to facts of conflict of interests in case they happen.
2. For purpose of conflict of interests prevention, members of the CCM are not authorized to make the following actions:
 - a) Use the information received by them as members of the CCM in contradiction to goals of the CCM;
 - b) Abuse status of the CCM member for making the decision, which influences upon other organization, when he/she takes a position or is employed or a concerned party is his/her relative;
 - c) Vote as the member of the CCM or abstain from voting for purpose of benefit gaining.
3. At the CCM meeting, before voting each member shall fill in the Declaration of Interests Form (enclosed as Annex). In case of possible existence of conflict of interest concerning other subjects the aforementioned form shall be completed when conflict of interests directed against them arises. These forms are considered by the Chairperson of the CCM and are kept at the Secretariat of the CCM.
4. Any member of the CCM is authorized to bring up the issue of conflict of interests for consideration if it has not been declared earlier. In this case a member shall first apply to Chairperson of the CCM.
5. Activities of the CCM as much as possible shall not be funded by parties interested in the decisions made by the CCM.

6. The CCM shall make decision about existence/non-existence of conflict of interests related to some or another party, according to regulations of the CCM. The party, in relation with which is considered an issue of conflict of interests shall not attend the proceedings held to make a decision. Such a party shall present a relevant report/explanation if required by the CCM.
7. When conflict of interests arises towards a member of the CCM:
 - a) In the case of a prior declaration and confirmation of conflict of interests a member of the CCM is not authorized to participate in voting until elimination of conflict of interests;
 - b) If a member of the CCM is aware of circumstance or information, which has made him/her subject of conflict of interests and a member does not make a prior declaration about that his/her member's authorities are terminated.
8. The CCM is authorized to annul and/or request to annul decisions, actions and outcomes received and made under conflict of interests conditions.
9. If the CCM rejects existence of conflict of interests or defines that it cannot impact activities of the CCM a member immediately resumes fulfilling his official duties.
10. Consideration and decision making related to conflict of interests shall be described and recorded in minutes by Secretariat of the CCM.

Article 5. Procedures of the CCM activities

1. The CCM meetings shall be held minimum 6 times during a calendar year. Chairperson of the Council is authorized to convene meeting by his/her initiative or by requirement of minimum one third of all members.
2. CCM's meetings are held according to the agenda drawn up preliminarily by Chairperson while secretariat ensures delivery of that to CCM members, invited guests and experts.
3. Chairperson and members of the CCM as well as speaker of a working group and invited experts are authorized to bring up issues for agenda.
4. The CCM meetings have the decision making right if they are attended by two thirds of all members.

5. The CCM makes decision at its meetings through open voting based on the majority of the votes. In the case of equal votes pro and contra Chairperson of the CCM has the decisive vote.
6. Decisions are reflected in the minutes signed by the Chairperson and the Secretary. Secretary of the CCM is obliged to distribute decisions of the CCM among members of the CCM and other concerned parties. Decisions of the CCM shall be sent to relevant governmental and non-governmental organizations as recommendations.
7. In the case any member of the CCM does not agree with decisions made at the meeting he/she is authorized to fix his/her attitude in minutes.
8. If necessary, by Chairperson's decision, the persons who are not members of the CCM may be invited to participate in work of the CCM with deliberative vote right or without it. Members of the CCM and the persons invited to the CCM membership with deliberative vote right shall participate in the CCM work personally.
9. If necessary, by Chairperson's decision, the CCM is authorized to establish permanent or ad hoc committees. In this case the CCM determines the sphere of activities and a scope of work for working groups. Information about structure of such groups, scope and term of their activities shall be available for concerned parties.

Article 6. Principles of Accountability and Reporting

1. The CCM as the authority, coordinating activities funded by the Global Fund on the national level, is accountable before the Global Fund.
2. The CCM carries out activities with complete transparency and involvement of concerned parties into activities of the CCM to ensure its accountability before other concerned parties and trust towards the CCM from the society.
3. To ensure accountability and involvement of concerned parties the CCM shall:
 - a) Develop and publish work plan on an annual basis;
 - b) Place within a web space the appropriate materials created during activities performed by the CCM;
 - c) Ensure awareness and involvement of concerned parties, timely response to their applications, provide them with information within a reasonable term.

Article 7. Oversight

1. CCM oversees Principal Recipients activities and programs implementation if required by a donor;
2. To carry out oversight the CCM shall take the following actions:
 - a) Develop oversight plan, defining succession of oversight stage and involvement of concerned parties in oversight;
 - b) Consider regular reports/disbursement requests sent by Principal Recipients to the donor;
 - c) Learn information about services and activities performed by Principal Recipients on site;
 - d) Meet with stakeholders, who are not the members of the CCM and receive information from them;
3. When carrying out oversight the CCM does not interfere with daily activities of Principal Recipient.

Article 8. Funding of the CCM Activities

Sources of the CCM funding shall be:

- a) Monetary means assigned by Ministry of Labor, Health and Social Affairs of Georgia;
- b) Funds received from international organizations;
- c) Other funding sources identified as legal by the Georgian legislation.

Article 9. Transient Provisions

Structure of the CCM provided for by this Charter shall be defined by the CCM established by resolution #144/O “Country Coordinating Mechanism for implementation of the Global Foundation projects against AIDS, tuberculosis and malaria in Georgia” passed on 1 May, 1997 by Minister of Labor, Health and Social Affairs of Georgia, which has been existing till publication of this Charter. CCM should revise a composition of council pursuant to the provisions of this Charter within the six months period after adoption of this charter.

Annex

**One National Authority – the Country Coordinating Mechanism against HIV
Infection/AIDS, Tuberculosis and Malaria Diseases in Georgia**

Interests Declaration Form

Date of completion:

Full name:

Organization:

Position in the CCM:

I, _____, declare the following with relation to article Conflict of Interests and Resolution of the CCM Charter:

1. I have read and understood article 4 Conflict of Interests and Resolution of the CCM Charter;
2. I agree to comply with principles and requirements given in this Article;
3. I agree to undertake obligation to give notice in writing to the CCM about any existing or potential circumstance, which may cause conflict of interests or to be considered as conflict of interests during term of my work in the CCM;
4. I agree with one of the two provisions declared below, which by the information available to me, is true for the moment of signature:
 - No: My work in the CCM will not cause conflict of interests, it does not exist any grounds or circumstance, which contradicts to Article 4 of the CCM Charter;
 - Yes: My work in the CCM will cause conflict of interests or create the circumstance, which may be considered to be conflict of interests. Namely:

Signature

