

Assessment of HIV Policy Development and Implementation in Ukraine

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Background

Ukraine has one of the fastest growing HIV epidemics in the world, and the number of HIV cases diagnosed in the country has doubled since 2001 (UNAIDS, 2010). Ukraine has the highest adult HIV prevalence (1.1%) and one of the highest HIV incidence rates in Europe and Central Asia (UNAIDS, n.d.). Together, the Russian Federation and Ukraine account for almost 90 percent of newly reported HIV cases in the region (UNAIDS, 2010).



The 2009 Comprehensive External Evaluation conducted by the Joint United Nations Program on HIV/AIDS (UNAIDS) identified presidential leadership and a strong legal foundation as important strengths of Ukraine's national HIV response. The main shortcomings noted in the area of policy reform included inconsistent implementation of national laws and legislation, exacerbated by bureaucratic regulation that hinders responsiveness to policy and changing epidemic patterns (UNAIDS, 2009). In this context, the Health Policy Project evaluated the degree to which an enabling policy framework for HIV exists in Ukraine.

Methodology

Beginning in January 2011, the project collected and reviewed laws, policies, strategies, regulations, and existing policy analyses, adapting and applying a policy assessment toolkit to ensure comprehensive and consistent analysis across technical areas related to HIV. The project interviewed 72 key informants in Kyiv, Kirovograd, and Mykolayev regarding the HIV policy environment and policy dissemination and implementation at national and subnational levels.

Results

The assessment confirmed that Ukraine has developed a strong policy foundation for protecting the rights of people living with HIV and providing HIV-related medical and social services; however, policies are not effectively or consistently implemented.

Gaps and barriers in HIV policy implementation in Ukraine include the following:

- A lack of detailed mechanisms, such as operational guidelines or standards, to support the implementation of HIV laws and regulations.
- Inadequate strategic planning or a lack of detail in implementation plans.
- Insufficient resources mobilized to implement the laws and regulations.
- A lack of awareness and acceptance of legal protections for vulnerable groups among key stakeholder groups, including law enforcement, local government, and healthcare providers.

The study specifically assessed topics ranging from stigma and discrimination to injecting drug use and medication-assisted treatment. Specific barriers identified include the following:

Lack of stigma and discrimination monitoring systems or enforcement mechanisms. While Ukrainian law prohibits discrimination based on HIV status, protects patient confidentiality, and guarantees equal rights for people living with and affected by HIV, protections do not extend to some vulnerable groups and no enforcement mechanisms or systems exist to support populations in exercising their legal rights.

Lack of foundational policies and regulations to prevent and address gender-based violence (GBV). Attention to GBV within national HIV/AIDS policies and programs and the capacity to prevent and respond to GBV among government and civil society stakeholders is limited. Comprehensive services for survivors of sexual violence are not detailed in HIV-related legislation, and there are no clinical management guidelines for providing services to GBV survivors.

Poorly coordinated programs for people who inject drugs (PWID). No central authority is responsible for organizing and implementing injecting drug use programs, including care and support for HIV-positive PWID. Data on PWID are not officially recognized and thus cannot be officially used in planning and resource allocation. Further, recent changes to drug possession regulations threaten to reduce the impact of needle and syringe exchange programs.

Lack of detailed regulations for medication-assisted treatment (MAT) programs. The legal framework for MAT lacks sufficient detail—including protocols on liquid methadone—and regulations are inconsistent across ministries and at various levels. MAT services remain controversial in Ukraine, both politically and at the service delivery level, and the availability of MAT services remains inadequate.

Inadequate legal and social protections for vulnerable children and adolescents. Important gaps remain in the legal and regulatory framework regarding the social protection of children and adolescents, particularly in relation to the care of children in institutional settings. Children living and working on the street and “neglected children” are not clearly defined in the legal and regulatory framework, making it difficult to provide services to them.

No licensing and accreditation system for HIV counseling and testing (HCT) points. The licensing and accreditation system for HCT facilities has not been established, leaving nongovernmental organizations vulnerable to threats of closure. The current legal status of mobile clinics is uncertain; although, new regulations for provision of HCT in mobile clinics and other key policies remain in draft.

Limited access to antiretroviral treatment (ART) due to high prices for medicines and inflexible procurement system. Current need for ART cannot be met due to the high price of medications, and the government has not exercised available options to increase access to low-cost, generic medications. Estimated need for ART and corresponding ART targets outlined in the National AIDS Program do not reflect updated standards and clinical protocols that include early initiation of patients on ART.

Table 1. Snapshot of Current HIV Policy Environment in Ukraine

Policy Category	Number of relevant policies examined	Evidence of engagement of stakeholders in policy development	Evidence of ongoing data collection related to policies	Government endorsement of policy	Implementation mechanism outlined	Policy implementation	Evaluation of policy implementation
Stigma and discrimination	11	√	Weak data	√	√	Limited	None
Gender and gender-based violence	31	√	Weak data	√	Limited	Limited	None
Multisectoral response and linkages	75	√	Weak data	√	√	Limited	None
Injecting drug users	30	√	Weak data	√	Limited	√	None
Medication-assisted treatment	13	√	Collection ongoing	√	√	Programs operating, but barriers exist	Limited
Hepatitis	4	√	Weak data	New policies being developed	New policies being developed	None	None
Children and adolescents—medical services	75	√	Collection ongoing	√	√	Strong, but with gaps	Limited
Children and adolescents—social services	134	√	Weak data	√	√	Strong, but with gaps	Limited
Counseling and testing	15	√	Collection ongoing	New policies being developed	√	√	None
Access to high-quality, low-cost medications	91	Limited	Collection ongoing	√	Limited	Improved, but significant barriers remain	Limited
Procurement and supply management	91	Limited	Collection ongoing	√	Exists but significant barriers	Significant barriers	Limited
TB/HIV co-infection	47	√	Weak data	New policies being developed	√	Inconsistent and barriers exist	Limited

Note: √ = progress made in area.

Conclusions

The sheer number and breadth of policy documents included in the legal and regulatory review demonstrate the government's commitment to creating a strong enabling environment for the national response to HIV. However, Ukraine's HIV legal and regulatory framework is undermined by insufficient planning and policy formulation processes and inadequate policy implementation and enforcement:

- The lack of a strong national coordinating body significantly hampers Ukraine's ability to achieve an effective integrated national HIV response.
- Implementation is also hindered by insufficient dissemination of policy documents, a lack of training on new standards and protocols, and limited communication between providers and government.
- Data gaps, particularly related to vulnerable populations, reduce the effectiveness of planning.
- According to key informants, the government endorsement of policy documents is lengthy, inflexible, and dependent on individuals unknowledgeable about the issues.

Addressing the gaps and challenges highlighted by this study could have significant positive impacts on Ukraine's HIV policy environment.

References

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