

Economic Research Center

# MONITORING REPORT

on the implementation of Azerbaijan  
*Open Government Initiative*  
*National Action Plan for 2012-2015*

(September 2013 – December 2014)

Baku – April 2015

This report was prepared by the experts of the Economic Research Center (ERC)

## **ACKNOWLEDGEMENTS**

*This report was made possible by the generous support of the American people through the United States Agency for International Development (USAID) within the framework of the Azerbaijan Partnership for Transparency Project, implemented by “Transparency Azerbaijan” Anti-Corruption Public Union. The contents of the report are the sole responsibility of the Transparency Azerbaijan and do not necessarily reflect the views of the USAID or the US government.*

*Transparency Azerbaijan would like to thank the authors of this report – Galib Bayramov, Alasgar Mammadli, Hafiz Hasanov, Dunya Jamalova, Fuat Rasulov and Rajab Imanova, the editors Sabit Bagirov and Veronica Cretu, the translator of the report from Azerbaijani into English Ali Novruzov, as well as all individuals, including representatives from the governmental and non-governmental institutions for their valuable input to the development of this report. The project team wishes to extend their appreciation to other partners under the Azerbaijan Partnership for Transparency Project, to all Azerbaijani NGOs who took part in the survey and especially those who have kindly agreed to join the NGO Platform. Special thanks shall go to the USAID Azerbaijan team for their valuable and on-going support to the APT project.*

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of 31 December 2014. Nevertheless, authors cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

## **INTRODUCTION**

Azerbaijan is one of 65 participant states of the Open Government Partnership (OGP) initiative that was officially launched on 20 September 2011, during the 66th session of the UN General Assembly. Our country joined the Open Government Partnership Initiative and thus committed itself to increase transparency and promote open government, to contribute to the exchange of experiences and practices and also to the international efforts in this area.

The Open Government Partnership Initiative National Action Plan for 2012-2015<sup>1</sup> has been approved on 5 September 2012 through the Presidential Decree. The core principles and values of the National Action Plan relate to increasing transparency in the activities of the central and local executive authorities in the Republic of Azerbaijan, improving accountability, expanding public participation and introducing new technologies.

The Commission on Combating Corruption of the Republic of Azerbaijan has been fully responsible for the development and implementation of the National Action Plan. The National Action Plan has been developed by the Commission on Combating Corruption in early 2012.

The Government of Azerbaijan has made several commitments in regard to the Open Government Initiative. These commitments include making legal acts and amendments thereto available and easily accessible to the public in a timely manner, involving citizens and civil society actors in the work of public authorities and also in the development of legislation of public interest.

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<sup>1</sup> For the full text of the National Action Plan, see Attachment 1 to this report.

This monitoring report based on the assessment methodology of the National Action Plan covers the activities toward the implementation of specific commitments carried out between September 2013 and December 2014.

Commitments made by the Government of Azerbaijan through the adoption of the National Action Plan are grouped into the following areas:

- 1) *Facilitation of access to information;*
- 2) *On-going visibility of the state institutions activity;*
- 3) *Improvement of the Central Legislative Electronic Database;*
- 4) *Enlargement of the public participation in the activity of the state institutions;*
- 5) *Improvement of e-services;*
- 6) *Increase of transparency in state financial control (SFC) institutions;*
- 7) *Increase of transparency of tax control and investigations;*
- 8) *Increase of transparency in extractive industries;*
- 9) *Publication and distribution among local people of awareness-raising materials in the field of OGP.*

This monitoring report looks at the degree to which five commitments from the above list (1, 2, 3, 5, and 8) have been implemented, what is their current status, what are the key challenges of the implementation process, as well as gives recommendations for the next steps.

## I. MONITORING METHODOLOGY

The monitoring methodology for the Open Government Initiative National Action Plan for 2012-2015 was developed at the request of Transparency Azerbaijan by the experts of the Institute for Development of Freedom of Information (IDFI) based in Saint-Petersburg, Russia and further developed by expert Veronica Cretu of Open Government Institute from Moldova. The second assessment report on the progress made as part of the implementation of the National Action Plan has the following objectives:

*To assess the degree to which the commitments made as part of the National Action Plan were implemented as planned between September 2013 and December 2014;*

*To identify the main challenges affecting the implementation of the commitments made as part of the National Action Plan and to propose specific recommendations for the next steps.*

*To follow over implementation of the recommendations made by experts during the first monitoring round in 2013.*

The assessment methodology combines both quantitative and qualitative tools. The quantitative component includes the measurement of the implementation of all the key commitments; the qualitative component is based on the interviews with various experts from both the government and the civil society.

The assessment includes the following steps:

Analyzing the degree to which the National Action Plan related commitments have been achieved and the degree to which those commitments are still responding to the current needs, realities and context of Azerbaijan;

Developing scoring levels to assess the achievement level for each commitment reflected in the National Action Plan;

Monitoring the websites of central and local executive authorities and analyzing the relevant information published

there, namely, requests for information sent to the central and local executive authorities and their results, the legislative acts, the annual reports of the Cabinet of Ministers and the electronic version of the State Registry of Legal Acts;

Systematizing, grouping and analyzing the overall data collected;

Summarizing findings and developing recommendations.

The National Action Plan has nine clusters of commitments, each cluster having specific actions and sub-actions to be implemented. Thus, each action of the Plan has been assessed based on specific indicators for scoring. They are characterized by the implementation level and their results expressed in points for each indicator are described below:

**a) Assessment of the implementation level of activities based on a 0-3 score scale:**

**Score 0** – indicates lack of any progress on the specific action or sub-action;

**Score 1** – indicates less than 20% of the action or sub-action being completed;

**Score 2** - indicates between 20%-70% of the action or sub-action being completed;

**Score 3** - indicates above 70% of the action or sub-action being completed.

**b) Assessment of the implementation level of activities based on a 0-2 score scale:**

**Score 0** – indicates lack of any progress on the specific action;

**Score 1** – indicates delay in the implementation, with some preparatory work being done already;

**Score 2** – indicates that action is being completed.

The average score is calculated basing on the score scale of the same commitment and scores for all actions and sub-actions are summed up.

## II. THE ASSESSMENT OF IMPLEMENTATION OF THE COMMITMENTS UNDER THE NATIONAL ACTION PLAN

*(Reporting period: September 2013 – December 2014)*

The National Action Plan has 37 actions and 16 sub-actions grouped around nine commitments. Sub-actions have been formulated under this methodology in order to improve the in-depth quality of the assessment<sup>2</sup>.

24 actions related to nine commitments started in 2012 and 13 actions – in 2013; eight actions are to be implemented on a regular basis by the end of 2015; 17 actions are completed and another 20 actions are ongoing.

**Table 1. Statistics on the start and duration of activities<sup>3</sup>**

Areas of activity	<i>Started in 2012</i>	<i>Started in 2013</i>	<i>Regular activities</i>	<i>Completed</i>	<i>Ongoing</i>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
1. Increasing access to information	2	1	0	3	0
2. On-going publicity of the state institutions' activity	6	1	2	2	5
3. Improvement of the Central Legislative Electronic Database	1	0	1	0	1

<sup>2</sup> See Attachment number 2.

<sup>3</sup> The sum of columns A and B are equal to the sum of columns D and E both horizontally and vertically.

4. Enlargement of the public participation in the activity of the state institutions	4	0	3	1	3
5. Improvement of e-services	1	4	1	3	2
6. Increasing transparency in the state financial control (SFC) institutions	0	7	0	5	2
7. Increasing transparency of the tax control and examination	3	0	0	3	0
8. Increasing transparency in the extractive industries	3	0	0	0	3
9. Awareness-raising and cooperation in the field of OGI	4	0	1	0	4
<b>TOTAL:</b>	<b>24</b>	<b>13</b>	<b>8</b>	<b>17</b>	<b>20</b>

The state institutions responsible for the implementation of the vast majority of the paragraphs monitored in the National Action Plan are defined as "the central and local executive authorities", thus the project staff, in accordance with the monitoring methodology, have developed the criteria of selection for central and local executive authorities to be monitored during the reporting period. The criteria cover all central executive authorities (ministries, state committees, agencies, etc.), Baku City Executive Authority, executive authorities of all districts of the capital city and cities of republican subordination, as well as executive authorities of three districts per each economic region. Two state bodies joined the implementation of the National Action Plan during the reporting period – thus, the State Service for Mobilization and Conscription and the Intelligent Transport Management Center of the Ministry of Transportation have also been included in the monitoring. Thus, total number of the monitored central and local executive authorities has reached 94.

During the reporting period, only six out of 46 local executive authorities (13%) responded to the requests for information. These



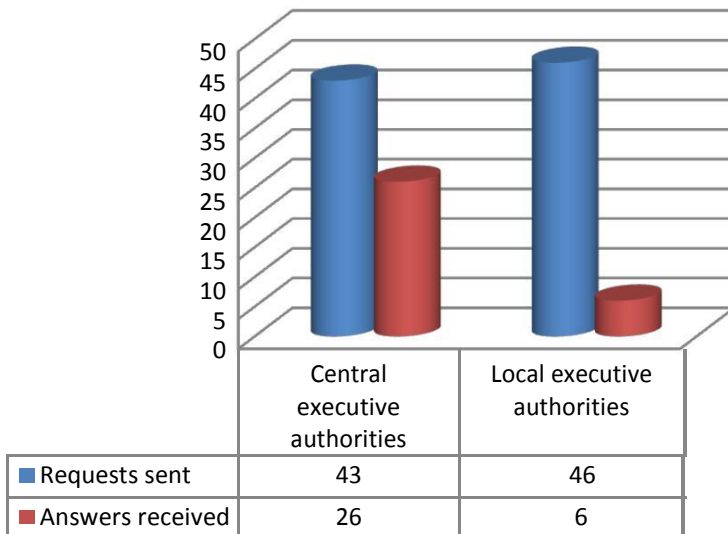
were the executive authorities of Astara, Ismayilli, Lankaran, Gobustan, Gusar and Sabunchu districts. Two of them (Lankaran and Sabunchu) refused to disclose the requested information as they claimed they had already submitted their annual reports on the implementation of the National Action Plan to the authorities specified in the legislation (the Cabinet of Ministers and the Commission on Combating Corruption). The local executive authorities that refused the requested information were followed-up by phone calls and new requests for information were sent to them. However, no positive results were achieved. The remaining four local executive authorities (Astara, Ismayilli, Gusar and Gobustan) presented a general report on the nature of implemented actions. Thus, 40 local executive authorities and other two that refused to give any information were assessed solely based on the information from their Internet resources.

As part of the monitoring, written requests were sent to 40 central executive authorities, as well as the Central Bank, the Chamber of Accounts and the Office of the Commissioner for Human Rights – all institutions required to implement the National Action Plan. During the previous reporting period (September 2012 – September 2013) the executive authorities refused to disclose any information on the first half of 2013 as they claimed that the National Action Plan requires executive authorities to report their activities only at the end of a year and based on their annual performances. Therefore, during this reporting period the executive authorities were requested to disclose information on both their 2013 activities regarding the National Action Plan and their work plans for 2014.

As the State Service for Mobilization and Conscription and the Intelligent Transport Management Center of the Ministry of Transportation have joined the implementation of the National Action Plan, they were also added to the list of newly monitored central executive authorities. Both state bodies have published on their websites the information on what has been done for the

implementation of the Plan. Two other state bodies – the Financial Monitoring Service at the Central Bank and the Chamber of Auditors have already implemented the main activities envisaged in paragraphs 1 and 2 of the Plan in the previous reporting period and thus, they were not sent any written requests. The Special State Protection Service responsible for the paragraph 2.6 of the Plan ("Identification of a common template and minimum criteria to be met by the websites of the executive authorities in accordance with modern standards") have also accomplished its goal in the previous reporting period and was not sent a written request.

### Requests for information sent to central and local executive authorities and their results



In total, 43 executive authorities, including 20 ministries, the Central Bank, the Chamber of Accounts, the Cabinet of Ministers, the Office of the Commissioner for Human Rights and others were sent written requests for information. The activities during the period not covered in the written requests were assessed through monitoring of their websites<sup>4</sup>.

26 out of 43 central executive authorities (60.5%) have sent official responses to the information requests. In 11 official responses (42.3%) the executive authorities refused to disclose any information as they claimed that the National Action Plan requires them to report their activities to the Commission on Combating Corruption. Out of 26 executive authorities that sent official responses, only 15 entities (57.7%) have partially/incompletely answered the questions outlined in the requests they received. Thus, of all central executive authorities that received requests for information only 34.9% answered the questions in the requests partly or in full.

Besides the requests for information sent to 89 central and local executive authorities, the websites and other online resources of 94 state institutions, as well as the resources of the online media were analyzed and internet research systems were utilized during the assessment process.

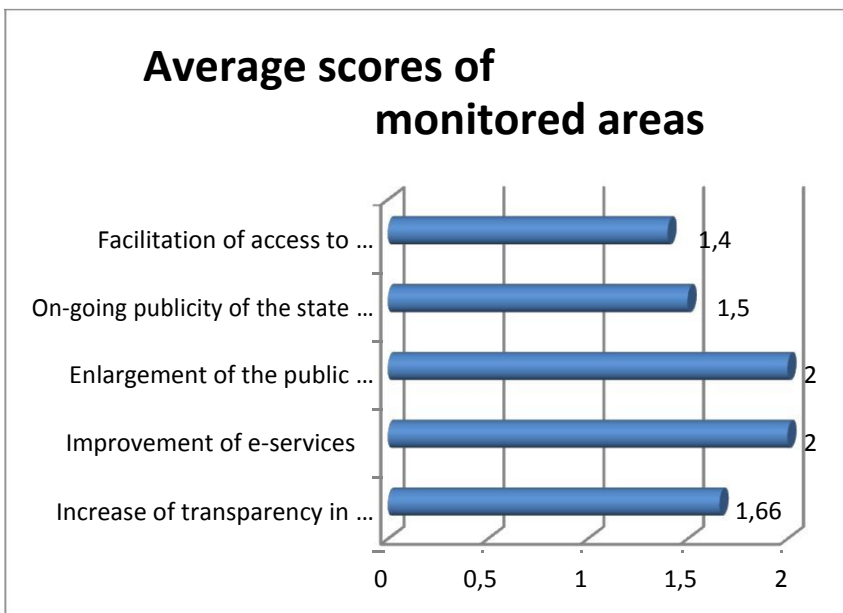
In order to assess the implementation of the paragraph 2.5 of the Action Plan (*Development of the internet resources dedicated to the areas covered by the state programs – Implementation: central executive authorities in 2012-2014*), the websites of the monitored state agencies were also analyzed alongside the responses to the requests for information. As a result, a list of 40 state programs and action programs has been compiled, and the project staff checked whether the Internet portals in the areas covered by these programs were created. The list prepared since

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<sup>4</sup> See Attachment 3: The list of monitored central and local executive authorities.

the previous reporting period was updated and programs completed were taken off the list and new ones were added.

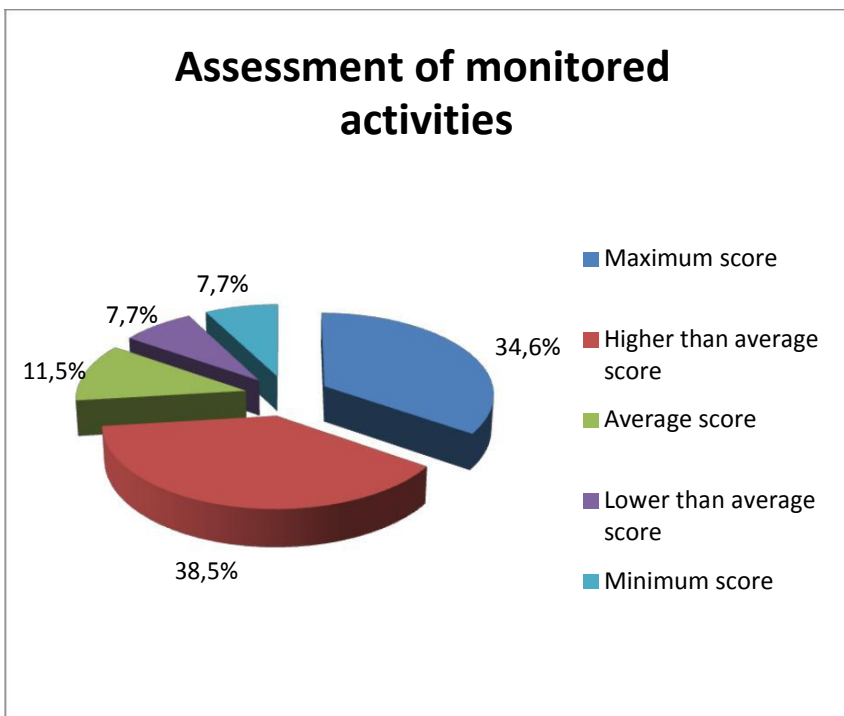
During the previous monitoring period, all activities in the nine areas were assessed. However, this monitoring report covers the assessment of only 1st, 2nd, 4th, 5th and 8th areas. During the assessment process, the implementation of 26 out of 53 actions and sub-actions were monitored. As a result of the monitoring, an average score for each area has been calculated.



As seen from the diagram above, the average score in the area of "facilitation of access to information" is 1.40; in "on-going publicity of the state institutions activity" – 1.50; "enlargement of the public participation in the activity of the state institutions" – 2.00; "improvement of e-services" – 2.00; "increase of transparency in extractive industries" – 1.66. The highest scores among the monitored areas are in the fourth ("enlargement of the public participation in the activity of the state institutions") and

fifth areas ("improvement of e-services "). The average score of all 26 monitored actions is 1.71.

According to the results of the assessment, out of all 26 monitored activities, implementation of 9 activities received maximum scores (34.6%), 10 activities – higher than average scores (38.5%), 3 activities – average scores (11.5%), 2 activities – lower than average scores (7.7%) and 2 activities – minimum scores (7.7%)<sup>5</sup>.



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<sup>5</sup> See Attachment 4.

## THE ASSESSMENT OF IMPLEMENTATION IN MONITORED AREAS

1st area:

### Facilitation of access to information

**AVERAGE SCORE: 1.40**

*Activity 1.1. Designation of the employees in charge of the access to information (1.1.1), adoption of the internal rules on freedom of information (1.1.2) and awareness raising by public institutions.*

**Implementation:** central and local executive authorities in 2012-2014.

#### **Indicators for assessment:**

Number of central and local executive authorities that have designated the employees in charge of the access to information (per 1.1.1).

Number of central and local executive authorities that have adopted the internal rules on freedom of information (per 1.1.2).

#### **Methodological basis (per 1.1.1):**

*3 - More than 70% of central and local executive authorities have designated the employees in charge of the access to information;*

*2 - Between 20% and 70% of central and local executive authorities have designated the employees in charge of the access to information;*

*1 - Less than 20% of the central and local executive authorities have designated the employees in charge of the access to information;*

*0 - No progress observed confirming the implementation of planned activities.*

#### **Methodological basis (per 1.1.2):**

*3 - More than 70% of central and local executive authorities have*

*adopted the internal rules on freedom of information;*

*2 - Between 20% and 70% of central and local executive authorities have adopted the internal rules on freedom of information;*

*1 - Less than 20% of the central and local executive authorities have adopted the internal rules on freedom of information;*

*0 - No progress observed confirming the implementation of planned activities.*

### **Implementation status:**

#### **Per 1.1.1.:**

##### **Monitoring score: 2**

*(Between 20% and 70% of central and local executive authorities have designated the employees in charge of the access to information.)*

34 of 92 monitored central and local executive authorities have designated the employees in charge of the access to information. This equals to 31.28% of the monitored central and local executive authorities. However, most state institutions have designated their press secretaries also as officials in charge of the access to information. Few state institutions have delegated this responsibility to a lawyer. Most state institutions don't have any legal and regulatory documents which set out duties and responsibilities of press secretaries and if a state institution has such a document, then it is usually not available to public. Therefore, it is not possible to differentiate between a press secretary and an official in charge of the access to information in terms of their duties and responsibilities.

#### **Per 1.1.2.:**

##### **Monitoring score: 2**

*(Between 20% and 70% of central and local executive authorities have adopted the internal rules on freedom of information.)*

26 of 92 monitored central and local executive authorities have adopted the internal rules on freedom of information<sup>6</sup>. This equals to 23.9% of monitored central and local executive authorities.

***Activity 1.2. Comprehensive training for responsible civil servants in order to ensure freedom of information.***

**Implementation:** central and local executive authorities in 2012-2014.

**Indicators for assessment:**

*Number of central and local executive authorities that have conducted comprehensive training for responsible civil servants to ensure freedom of information.*

**Methodological basis:**

*3 - More than 70% of central and local executive authorities have conducted comprehensive training for responsible civil servants to ensure freedom of information;*

*2 - Between 20% and 70% of central and local executive authorities have conducted comprehensive training for responsible civil servants to ensure freedom of information;*

*1 - Less than 20% of the central and local executive authorities have conducted comprehensive training for responsible civil servants to ensure freedom of information;*

*0 - No progress observed confirming the implementation of planned activities.*

**Implementation status:**

**Monitoring score: 2**

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<sup>6</sup> See Attachment 5: The Internal Rules on Freedom of Information of the Ministry of Labour and Social Protection. For other internal rules, see following links:  
<http://www.sspf.gov.az/view.php?lang=az&menu=380&id=1337>,  
[http://www.stat.gov.az/menu/2/freedom\\_info/freedom\\_info.pdf](http://www.stat.gov.az/menu/2/freedom_info/freedom_info.pdf),  
<http://www.csc.gov.az/index.php/home/post/1487>,  
<http://www.migration.gov.az/images/pdf/cd6f8da4c63bdc042950657538677038.pdf>



*(Between 20% and 70% of central and local executive authorities have conducted comprehensive training for responsible civil servants to ensure freedom of information.)*

24 of 92 monitored central and local executive authorities have conducted comprehensive training for responsible civil servants to ensure freedom of information<sup>7</sup>. This equals to 22.08% of monitored central and local executive authorities.

***Activity 1.3. Improvement of the structure of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in line with its role of overseeing the implementation of the Law on the Right to Obtain Information (1.3.1), specialized training of the relevant employees (1.3.2).***

**Implementation:** The Commissioner for Human Rights (Ombudsman) in 2013-2014.

**Indicators for assessment:**

Improvement of the structure of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan (1.3.1).

Specialized training of the relevant employees (1.3.2).

**Methodological basis (per 1.3.1):**

*3 - The structure of the Office of the Commissioner for Human Rights has been improved;*

*1 - Preparatory activities are underway for improvement of the structure of the Office of the Commissioner for Human Rights;*

*0 - No progress observed confirming the implementation of planned activities.*

**Methodological basis (per 1.3.2.):**

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<sup>7</sup> Neither in the official responses to our requests for information, nor in the official websites of state institutions, there is no detailed information available on participants, content, agenda and timetable of these trainings.

*3 - More than 70% of relevant employees of the Office of the Commissioner have received specialized training;*  
*2 - Between 20% and 70% of relevant employees of the Office of the Commissioner have received specialized training;*  
*1 - Less than 20% of relevant employees of the Office of the Commissioner have received specialized training;*  
*0 - No progress observed confirming the implementation of planned activities.*

**Implementation status:**

**Per 1.3.1.:**

**Monitoring score: 1**

*(Preparatory activities are underway for improvement of the structure of the Office of the Commissioner for Human Rights.)*

As it is evident from the official response of the Office of the Commissioner to the request for information, the situation hasn't changed since the previous reporting period. The Commissioner states in her annual report for 2012:

*The project of responsibilities, structure and staff positions of the intended "Department of Information Provision" at the Office of the Commissioner has been already developed, sent to the Cabinet of Ministers for approval and received positive feedback. Although the Ministry of Finances was tasked to resolve the issue and finance the department in 2012, the necessary actions have not been taken yet.*

*Since the Office of the Commissioner is not allocated the relevant personnel and material-technical resources, it has failed to establish at the necessary level its activities for ensuring the right to obtain information and is continuously criticized for this. It should be noted that "The Open Government Initiative National Action Plan for 2012-2015" approved by the Presidential decree dated 5 September 2012 provides for "the improvement of the structure of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in line with its role of*

*overseeing the implementation of the Law on the Right to Obtain Information" in the paragraph 1.3."*

The official response of the Office to the request for information also states that no decision has been taken in regard to the Commissioner's proposals for new staff positions.

**Per 1.3.2.:**

**Monitoring score: 0**

*(No progress observed confirming the implementation of planned activities.)*

Although the Office of the Commissioner hasn't been allocated relevant staff positions and material-technical resources, responsible employees of the Office have received specialized training on the freedom of information<sup>8</sup>. As the number of staff positions in the intended department is not confirmed yet, it is not possible to identify the percentage of responsible employees that have received training. Therefore, this activity has been given 0 score.

**2nd area:**

**On-going visibility of the state institutions activity**

**AVERAGE SCORE: 1.5**

*Activity 2.1. The up-loading and updating of information on their activity at their respective websites.*

**Implementation:** central and local executive authorities on an on-going basis.

**Indicators for assessment:**

The Number of state institutions regularly updating their websites

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<sup>8</sup> Unfortunately, neither in the official response to our request for information, nor in the official website of the Office of the Commissioner for Human Rights, there is no detailed information available on participants, content, agenda and timetable of these trainings. This information is not available to public.

about their activities.

**Methodological basis:**

*3 - More than 70% of central and local executive authorities regularly upload and update information about their activities on their respective websites;*

*2 - Between 20% and 70% of central and local executive authorities regularly upload and update information about their activities on their respective websites;*

*1 - Less than 20% of the central and local executive authorities regularly upload and update information about their activities on their respective websites;*

*0 - None of central and local executive authorities regularly upload and update information about their activities on their respective websites.*

**Implementation status:**

**Monitoring score: 2**

*(Less than 20% of the central and local executive authorities regularly upload and update information about their activities on their respective websites.)*

There is a deep inequality of information as well as diverse status on the disclosure of information among the numerous central and local executive authorities covered in the monitoring process. Therefore, it is difficult to assess and characterize these authorities in general terms. Implementation by the central executive authorities is much better in comparison with the local executive authorities.

During the monitoring period, activities of 48 central executive authorities and other central institutions and 46 local executive authorities were assessed. The official responses of these authorities to the requests of information and their websites, as well as information about their activities on the Internet and social media reached through search engines were considered in the assessment.

The official responses to the requests for information, as well as the reactions to the openness of information differ significantly among these authorities. Some authorities take transparency seriously and respond to the requests for information thoroughly and comply with the law (Ministry of Communication and Information Technologies, Ministry of Education, State Student Admission Commission, State Statistical Committee, State Committee for Securities, Ministry of Taxes, Local Executive Authorities of Binagadi and Ismayilli districts, etc); other authorities are not interested in disclosing information and are "closed" institutions (law enforcement, security and defense authorities, State Social Protection Fund, State Committee on Work with Diaspora, State Procurement Agency, State Customs' Committee, majority of local executive authorities, etc).

Two state institutions should be noted in particular for regular update of information about their activities on the Internet. The Ministry of Education have created several websites ([edu.gov.az](http://edu.gov.az), [portal.edu.az](http://portal.edu.az), [mektebli.president.az](http://mektebli.president.az), [nostrifikasiya.edu.az](http://nostrifikasiya.edu.az), [xaricdetehsil.edu.gov.az](http://xaricdetehsil.edu.gov.az)) to coordinate and publicize their various activities; and the Ministry of Taxes have two websites with a vast array of information ([taxes.gov.az](http://taxes.gov.az) and [e-taxes.gov.az](http://e-taxes.gov.az)). On the other hand, the Office of the Commissioner for Human Rights have been assessed poorly for disclosure of information on their official website ([ombudsman.gov.az](http://ombudsman.gov.az)).

The monitoring results show that there is a significant gap between the most open and most closed state authorities. Some central executive authorities demonstrate their interest in dissemination of information among wider audience by distributing information about their activities several times a day, posting it on social networks and sending press releases, written and audiovisual information to the media.

The current legislation provides administrative liability for information owners who fail to comply with the requirements of the Law on Obtaining Information. According to the Paragraph

181-3 amended to the Administrative Offences Code of the Republic of Azerbaijan with the Law number 167-IIIQD dated 20 October 2006:

1. Restricting the right to obtain information by the information owner or deliberately providing the false information to the requestor;
2. Failing to organize access to information by the information owner;
3. Refusing to accept a written request for access to information;
4. Violating the legislative requirements for storage, filing and protection of documents by the information owner;
5. Persecuting the official for disclosing information on wrongdoings that are of public interest is as follows:

– natural persons shall be fined in an administrative order between 20 AZN and 25 AZN; official persons – between 80 AZN to 90 AZN; legal persons – between 250 AZN to 300 AZN<sup>9</sup>.

However, the issue with local executive authorities is challenging. All local executive authorities had their websites established in 2012, but they are not interested in publishing and updating information online. With minor exceptions aside, none of them have active e-services on their official websites. Usually, a standard website of a local executive authority publishes a few pieces of news during a month. However, these articles don't cover legal activities of the local executive authorities and are mostly about public events, cultural activities or about heads of some central executive authorities meeting local residents in the district area. The information posted on the websites is not of much use to the population, but serve for PR of the local authorities. Information related to about local officials receiving

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<sup>9</sup> Administrative Offences Code of the Republic of Azerbaijan, <http://e-qanun.az/code/13>

concerned citizens, ways to address social and economic problems, as well as spheres of activities of local authorities is rarely published.

"The Statutes of Local Executive Authorities" approved by the Presidential decree dated 6 June 2012 that constitutes the legal basis of local authorities, has tasked these authorities with around 180 powers and 100 duties on areas of social-economic development of respective districts, agriculture, funding, consumption, social protection, labor, public housing and utility, environment, construction and maintenance, architecture, education and culture, children, youth and sports, tourism, mass media, law enforcement, public order and security, management of state property, healthcare, etc. Unfortunately, none of the local executive authorities publishes the information about their activities on abovementioned areas. Especially, the information on budget spending is rare.

One significant aspect of the work of local executive authorities is the adoption of normative acts. However, the websites of local authorities do not contain any of these normative acts, though they cover some general information on legislation. However, paragraph 6.4 of the Statutes states: "The implementation of normative acts adopted by the local executive authorities is mandatory for individuals living in its territory and legal entities located in its territory."

### ***Activity 2.2. Preparation of the annual reports and their publishing on the Internet.***

**Implementation:** central and local executive authorities in 2012-2015.

#### **Indicators for assessment:**

The number of central and local executive authorities preparing and publishing their annual reports regularly.

**Methodological basis:**

*3 - More than 70% of central and local executive authorities have published their annual reports on their official websites;*

*2 - Between 20% and 70% of central and local executive authorities have published their annual reports on their official websites;*

*1 - Less than 20% of the central and local executive authorities have published their annual reports on their official websites;*

*0 - None of central and local executive have published their annual reports on their official websites.*

**Implementation status:****Monitoring score: 2**

*(Between 20% and 70% of central and local executive authorities have published their annual reports on their official websites)*

In line with the assessment methodology, the information about yearly activities published by all central and local executive authorities on their websites was analyzed. The analysis demonstrated that only the Customs' Committee, the Ministry of Communication and Information Technologies, the Ministry of Ecology and Natural Resources, and the State Committee on Property Issues have published detailed reports about their activities. The Ministry of Education, the Ministry of Health, the State Social Protection Fund, the State Land and Cartography Committee, the Ministry of Interior Affairs and the State Statistical Committee have published general rather than detailed reports. The website of the Ministry of Labor and Social Protection has a link as if leading to the annual report, but there is no information placed under it. Other central executive authorities have not published any annual reports on their websites. In general, the annual reports of the central executive authorities do not disclose any information about expenditure of budgetary funds.

The analysis of the websites of local executive authorities revealed that only the Executive Authority of Binagadi District



published an annual report on its activities. All other local executive authorities, including the Executive Authority of Baku City, have not published any annual reports. The website of the Executive Authority of Binagadi District contains other useful information as well, including a detailed report on the activities of the local authority.

However, the assessment took into account the fact that some general information about the activities of central and local executive authorities, especially meetings of their heads, can still be accessed from their websites.

Though the assessment indicator for this paragraph requires only the information from the websites of state institutions – whether they have prepared and published their annual reports or not – the official responses of the respective authorities to the requests for information have also been taken into account. According to these responses, the majority of central and local executive authorities stated that they have prepared their annual reports. However, the central and local executive authorities that haven't published their reports online have missed to attach their reports to the official responses they have sent.

It should be noted that the websites of all local executive authorities are based on the same template and the information they contain is mostly statistical and described in general terms.

***Activity 2.3. Holding press conferences and other direct public communication events about performance of state institutions.***

**Implementation:** central and local executive authorities in 2012-2015.

**Indicators for assessment:**

Number of central and local executive authorities holding press conferences at least once a year or communicating directly with the public.

**Methodological basis:**

*3 - More than 70% of central and local executive authorities hold press conferences at least once a year or communicate directly with the public;*

*2 - Between 20% and 70% of central and local executive authorities hold press conferences at least once a year or communicate directly with the public;*

*1 - Less than 20% of the central and local executive authorities hold press conferences at least once a year or communicate directly with the public;*

*0 - None of central and local executive authorities holds press conferences at least once a year or communicates directly with the public.*

**Implementation status:**

**Monitoring score: 3**

*(More than 70% of central and local executive authorities hold press conferences at least once a year or communicate directly with the public.)*

The monitoring report reveals that the majority of central and local executive authorities have held annual meetings dedicated to their activity reports and disseminated respective information about them. The research also shows that 34 out of 46 monitored local executive authorities have held these annual meetings at least once a year. News about the presentations of such annual reports is covered by media, but the reports themselves are not available on the websites of local executive authorities. It was not possible to identify whether those reports cover the implementation of 180 powers and 100 duties entrusted to the

local executive authorities<sup>10</sup>. The texts of the annual reports are not available to the public and transparency is not ensured in this respect.

The situation with the central executive authorities is much more positive. All bodies have held meetings and presentations of their reports at least once a year and disseminated news about these meetings. Some state bodies have also published their reports on their official websites, while others have not made their reports available to the public.

One of the main concerns is that none of the websites of local executive authorities has a special rubrics dedicated to their reports and the reports are not published on their websites at all. These reports are usually presented at joint meetings with the regional organizations of the New Azerbaijan Party held at the end of the year. Also, not all of the central executive authorities have published these reports in separate rubrics of their websites. It would be much better for the purpose of ensuring transparency, to have central and local executive authorities publish their reports in special rubrics of their websites and in multiple formats (doc, pdf, etc) and these reports should be easily accessible from the homepage.

***Activity 2.4. Dissemination of reader-friendly versions of the legislation regulating the activity of the state institution, developed guiding principles.***

**Implementation:** central and local executive authorities on an on-going basis.

**2.4.1.** Preparation of the guiding principles of the legislative acts regulating the activities of state institutions in a simple and comprehensible form.

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<sup>10</sup> "The Statute of the Local Executive Authorities" approved by the Presidential decree dated 6 June 2012.

**Implementation:** central and local executive authorities on an on-going basis.

**Indicators for assessment:**

Preparation of the guiding principles of the legislative acts regulating the activities of state institutions in a simple and comprehensible form.

**Methodological basis:**

*2 - The guiding principles have been prepared in a simple and comprehensible form;*

*1 - Activities toward preparation of the guiding principles have been carried out, but their adoption is delayed;*

*0 - No progress observed confirming the implementation of planned activities.*

**Implementation status:**

**Monitoring score: 1**

*(Activities toward preparation of the guiding principles have been carried out, but their adoption is delayed.)*

The assessment methodology intended to identify through the requests for information sent to the central and local executive authorities whether the guiding principles of the legislative acts regulating the activities of state institutions have been prepared in a simple and comprehensible form. During the monitoring process, the majority of the state institutions claimed in their answers that they had prepared the guiding principles in a simple and comprehensible form.

However, few state institutions have actually published these guiding principles on their websites. Therefore, it can be stated that the activities towards preparation of the guiding principles have been carried out, but their adoption is delayed.

**2.4.2.** The central and local executive authorities have prepared

and published the legislation regulating their activities in simple and comprehensible forms.

**Implementation:** central and local executive authorities on an on-going basis.

**Indicators for assessment:**

The central and local executive authorities have prepared and published the legislation regulating their activities in simple and comprehensible forms.

**Methodological basis:**

*3 - More than 70% of central and local executive authorities have prepared and published the legislation regulating their activities in simple and comprehensible forms;*

*2 - Between 20% and 70% of central and local executive authorities have prepared and published the legislation regulating their activities in simple and comprehensible forms;*

*1 - Less than 20% of the central and local executive authorities have prepared and published the legislation regulating their activities in simple and comprehensible forms;*

*0 - None of central and local executive authorities have prepared and published the legislation regulating their activities in simple and comprehensible forms.*

**Implementation status:**

**Monitoring score: 1**

*(Less than 20% of the central and local executive authorities have prepared and published the legislation regulating their activities in simple and comprehensible forms)*

The assessment methodology intended to identify through the requests for information sent to the central and local executive authorities whether they have prepared and published the legislation regulating their activities in simple and comprehensible forms. The majority of state institutions claimed in their answers

that they have prepared and published the legislation regulating their activities in simple and comprehensible forms<sup>11</sup>.

However, the central and local executive authorities haven't published the legislation regulating their activities in simple and comprehensive forms on their websites. Less than 20% of the central executive authorities have published relevant application forms, document samples and instructions regarding their activities. These application forms<sup>12</sup> and their explanations are prepared on the basis of the legislation regulating activities of state institutions, thus they can be considered as preparation of the relevant legislation in simple and comprehensible forms.

Among the local executive authorities, only the Executive Authority of Binagadi District has published such materials on its website. The websites of other local executive authorities do not contain any similar materials.

It should be noted that among the central executive authorities, two bodies – the Ministry of Taxes and the State Customs' Committee have published a vast array of such application forms, document samples, instructions and other similar materials. Similar materials can be found on the websites of the Ministry of Interior Affairs, the Ministry of Foreign Affairs, the Ministry of

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11 For example, the Ministry of Taxes: <http://taxes.gov.az/modul.php?name=e-xidmetler>, <http://taxes.gov.az/modul.php?lang=&name=birpencere&bolme=legal>, <http://taxes.gov.az/encox/suallar.html>, <http://taxes.gov.az/modul.php?name=e-xidmetler&cat=3>; the Ministry of Labour and Social Protection: <http://www.mlsp.gov.az/az/pages/19/52>, <http://www.mlsp.gov.az/az/pages/6/33>, <http://www.mlsp.gov.az/az/pages/6/36>; the Ministry of Economy and Industry: [http://www.economy.gov.az/index.php?option=com\\_vitabook&view=vitabook&Itemid=273&lang=az](http://www.economy.gov.az/index.php?option=com_vitabook&view=vitabook&Itemid=273&lang=az).

12 Examples for application forms: the Ministry of Taxes: <http://taxes.gov.az/modul.php?name=birpencere&lang=&bolme=legal&bolme2=erize>, [http://taxes.gov.az/modul.php?name=birpencere&lang=&bolme=legal&bolme2=nizaml a](http://taxes.gov.az/modul.php?name=birpencere&lang=&bolme=legal&bolme2=nizaml_a); the Ministry of Education: [http://xaricdetehsil.edu.gov.az/uploads/Elektron\\_erizenin\\_doldurulmasina\\_dair\\_telimat.pdf](http://xaricdetehsil.edu.gov.az/uploads/Elektron_erizenin_doldurulmasina_dair_telimat.pdf)

Emergency Situations, the Ministry of Labor and Social Protection, the State Social Protection Fund, and the State Student Admission Commission, albeit to a lesser degree.

***Activity 2.5. Development of the internet portals dedicated to all areas covered by the state programs.***

**Implementation:** central and local executive authorities in 2012-2015.

**Indicators for assessment:**

Number of the Internet portals dedicated to all areas covered by the state programs.

**Methodological basis:**

*3 - The Internet portals dedicated to at least half of all areas covered by the state programs have been developed;*

*2 - The Internet portals dedicated to the areas covered by the state programs haven't been developed, but some preparatory works have been carried out;*

*0 - No progress observed confirming the implementation of planned activities.*

**Implementation status:**

**Monitoring score: 2**

*(The Internet portals dedicated to the areas covered by the state programs haven't been developed, but some preparatory works have been carried out.)*

The state programs, national action programs and actions plans covering numerous areas have been monitored during the assessment process. Some of these programs have been completed in 2013. The majority of the monitored 48 central executive authorities haven't developed separate websites for these programs and just added "State Programs" sections to their official websites. These sections usually contain the programs themselves and no

information about their implementation. However, some state institutions have created separate websites about the state programs and their implementation. For example, the Ministry of Education has developed the Internet portal for the State Program on Study of Azerbaijani Youth Abroad (<http://www.xaricdetehsil.edu.gov.az>) and it is fully operational. Another such portal is [www.mesafedenmekteb.edu.az](http://www.mesafedenmekteb.edu.az) and covers the application of IKT in the education process. Another portal intended for publishing of electronic textbooks – <http://www.e-derslik.edu.az> has been just launched. The Ministry of Communication and High Technologies has also developed the Internet portal ([www.azerkosmos.az](http://www.azerkosmos.az)) within the State Program on Establishment and Development of Space Industry. The E-Government Program is one of the most successful state programs and has its own operational Internet portal ([www.e-gov.az](http://www.e-gov.az)).

Out of 48 monitored central executive authorities, 43 were sent requests for information and among the received responses, only 2 state bodies have given some information about the Internet portals they have developed for the state programs; one state body stated that preparatory works for the development of the portal were underway. However, the monitoring process revealed that no websites were developed or any preparatory work had been carried out in connection with numerous state programs, especially in the areas of agriculture and healthcare.

The following table demonstrates the development of the Internet portals for the state programs and their status.

<b>Program</b>	<b>Coordinating state body</b>	<b>Status of the Internet portal</b>
Second State Program on Privatization of State-Owned Property in the Republic of Azerbaijan	State Committee on Property Issues	Not created
State Program on	State Statistical	Created (as a



Improvement of the Official Statistics in the Republic of Azerbaijan in 2013-2017	Committee	special section on the committee's website)
State Program on Insurance-Pension System Development in the Republic of Azerbaijan for 2009-2015	State Social Protection Fund	Not created
State Program on the Reliable Supply of Food Products to the Population in the Republic of Azerbaijan for 2008-2015	Cabinet of Ministers	Not created
State Program on Development of Tourism in the Republic of Azerbaijan for 2010-2014	Ministry of Culture and Tourism	Not created
State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015	Cabinet of Ministers	Not created
State Program "Azerbaijani youth in 2011-2015"	Cabinet of Ministers	Not created
State Program on Implementation of the Employment Strategy of the Republic of Azerbaijan for 2011-2015	Cabinet of Ministers	Not created

State Program for the Improvement of Living Standards and Generation of Employment for Refugees and IDPs	Cabinet of Ministers	Not created
State Program on Biometric Identification in the Republic of Azerbaijan for 2007-2012	Cabinet of Ministers	Not created
State Program on Study of Azerbaijani Youth Abroad for 2007-2015	Education Commission under the President of the Republic of Azerbaijan	Created <a href="http://xaricdetehsil.edu.gov.az">xaricdetehsil.edu.gov.az</a>
State Program for the placement of children living in state-owned child institutions in families (Deinstitutionalization) and alternative care in the Republic of Azerbaijan for 2006-2015	Cabinet of Ministers	Created A special division was established at the Ministry of Education to deal with the program. Division has a special section on the ministry's website: <a href="http://www.edu.gov.az/view.php?lang=az&amp;menu=401">http://www.edu.gov.az/view.php?lang=az&amp;menu=401</a>
State Program on Informatization of the Education System of the Republic of Azerbaijan	Ministry of Education	Not created

for 2008-2012		
State Program on Development of Vocational training in the Republic of Azerbaijan for 2007-2012	Ministry of Education	Not created
State Program on Reforms in the Higher Education System of the Republic of Azerbaijan for 2009-2013	Cabinet of Ministers	Not created
State Program on Development of Fuel and Energy Complex in the Republic of Azerbaijan for 2005-2015	Ministry of Industry and Energy	Not created
State Program on the Use of Alternative and Renewable Energy Sources for 2005-2013,	The implementation of program was assigned to the Ministry of Industry and Energy, but on February 1, 2013, according to the Presidential Decree number 810, the State Agency on Alternative and Renewable Energy Sources was established and the program	Not created. The Agency itself does not have a website either.

	was assigned to the agency.	
State Program on Social-Economic Development of the Regions of the Republic of Azerbaijan for 2009-2013	Ministry of Economic Development	Created (as a special section of the ministry's website)
State Program on Social-Economic Development of the Regions of the Republic of Azerbaijan for 2014-2018	Ministry of Economic Development	Not created
State Program on Social-Economic Development of Baku City and Its Settlements for 2011-2013	Ministry of Economic Development	Created (as a special section of the ministry's website)
Action Program on Hemophilia for 2011-2015	Ministry of Health	Not created
Action Program on Development of Blood and Blood Components Donation and Blood Service for 2011-2015	Ministry of Health	Not created
Action Program on Diabetes for 2011-2015	Ministry of Health	Not created
Action Program on Treatment and Prevention of Thalassemia for 2011-2015	Ministry of Health	Not created
Action Program on Tuberculosis Control for 2011-2015	Ministry of Health	Not created

Action Program on Chronic Renal Failure for 2011-2015	Ministry of Health	Not created
Development Program for Medical Personnel in Health Institutions of the Republic of Azerbaijan for 2010-2014	Ministry of Health	Not created
The Second State Program on Development of Communication and Information Technologies in the Republic of Azerbaijan Republic for 2010-2012 (Electronic Azerbaijan)	Ministry of Communication and High Technologies	Created. <a href="http://e-gov.az">e-gov.az</a>
State Program on Establishment and Development of Space Industry	Ministry of Communication and High Technologies	Created. <a href="http://azerkosmos.az">azerkosmos.az</a>
State Program on Development of Library-Information Sphere in the Republic of Azerbaijan for 2008-2013	Cabinet of Ministers	Not created
State Program on Development of the Justice in the Republic of Azerbaijan for 2009-2013	Cabinet of Ministers	Not created
State Program on Development of the Railway System in the Republic of Azerbaijan for 2010-2014	Cabinet of Ministers	Not created

State Program on the Implementation of the National Strategy for the Development of Sciences in the Republic of Azerbaijan for 2009-2015	National Academy of Sciences	Not created
State Program on Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and Their Precursors and Against Drug Addiction for 2013-2018	State Commission for Combating Drug Addiction and Illicit Trafficking of Narcotic Drugs	Not created (Only the text of the program is published on the commission's website and no reports about its implementation are available)
State Program on the Development of Health Resorts in the Republic of Azerbaijan for 2009-2018	Cabinet of Ministers	Not created

***Activity 2.6. Identification of a common template and minimum criteria to be met by the websites of the state authorities in accordance with modern standards<sup>13</sup>.***

**Implementation:** Cabinet of Ministers, Special State Protection Service, Ministry of Communication and Information Technologies, Commission on Combating Corruption in 2013.

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<sup>13</sup> The common template and minimum criteria to be met by the websites of the state authorities are regulated with "The REQUIREMENTS on the Development and Maintenance of the Internet Information Resources of the State Institutions" was approved by the decree number 189 of the Cabinet of Ministers dated September 4, 2012, <http://e-qanun.az/framework/24256>

**Indicators for assessment:**

Measures included in the annual report of the Cabinet of Ministers of the Republic of Azerbaijan.

**Methodological basis:**

*1 - Measures were included;*

*0 - Measures were not included.*

**Implementation status:****Monitoring score: 1**

*(Measures were included)*

The annual report of the Cabinet of Ministers for 2013 wasn't published on the website of the Cabinet of Ministers, but it was published as a booklet and distributed among the Members of Parliament. The report states that a certain document titled "The REQUIREMENTS on the Development and Maintenance of the Internet Information Resources of the State Institutions" was approved by the decree number 189 of the Cabinet of Ministers dated September 4, 2012. Although this document was approved one day before the approval of the National Action Plan for 2012-2015, the websites of the state authorities have been aligned with the common template and minimum criteria set by this document and thus, this action has been completed.

***Activity 2.7. Inclusion of the information on measures taken in order to promote open government and combat corruption in the reports of the Cabinet of Ministers of the Republic of Azerbaijan to the Parliament of the Republic of Azerbaijan.***

**Implementation:** Cabinet of Ministers in 2012-2015.

**Indicators for assessment:**

Inclusion of the information on measures taken in order to promote open government and combat corruption in the reports of the Cabinet of Ministers of the Republic of Azerbaijan to the Parliament of the Republic of Azerbaijan.

**Methodological basis:**

*1 - Measures were included;*

*0 - Measures were not included.*

**Implementation status:****Monitoring score: 0**

*(Measures were not included.)*

There was no information available on measures taken in order to promote open government and combat corruption in the annual reports of the Cabinet of Ministers to the Parliament of the Republic of Azerbaijan. In general, the annual reports of the Cabinet of Ministers have not been published on the websites of the Parliament or the Cabinet of Ministers. This assessment is based on the speeches delivered by the Prime Minister Artur Rasi-zadeh in the Parliament on March 16, 2012, March 15, 2013 and March 14, 2014 while presenting the annual reports of the Cabinet of Ministers. However, no measures taken in order to promote open government and combat corruption were included in the Prime Minister's speeches. This kind of information on promotion of open government and combating corruption is published on the website of the State Anti-Corruption Commission.

**4th area:****Enlargement of the public participation in the activity of the state institutions****AVERAGE SCORE: 2.00**

*Activity 4.1. Involvement of the civil society representatives in the elaboration of draft legislation of public interest, organization of public hearings by state institutions.*

**Implementation:** central and local executive authorities on an on-going basis.

**Indicators for assessment:**



Number of the draft legal acts of public interest elaborated with the involvement of the civil society representatives.

**Methodological basis:**

*3 - Half of the draft legal acts of public interest were elaborated with the involvement of the civil society representatives;*

*2 - Less than half of the draft legal acts of public interest were elaborated with the involvement of the civil society representatives;*

*1 - Preparatory works are underway for the involvement of the civil society representatives in the elaboration of draft legal acts of public interest;*

*0 - No progress observed confirming the implementation of planned activities.*

**Implementation status:**

**Monitoring score: 2**

*(Less than half of the draft legislation acts of public interest were elaborated with the involvement of the civil society representatives.)*

The Law on the Public Participation of the Republic of Azerbaijan was adopted on November 22, 2013. The Law states that the public discussion of the draft legislation acts is one of six possible forms<sup>14</sup> of the public participation. However, the Law does not define the unified procedure of the public discussion of the draft legislation acts prepared by the central and local executive authorities, as well as the local self-government institutions. Paragraph 19 of the Law states that the public discussion of the draft legislation acts prepared by the central and local executive authorities, as well as the local self-government institutions is conducted according to the procedures defined by the relevant executive authorities.

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<sup>14</sup> **Paragraph 5.1.** The forms of the public participation are following: **5.1.1.** the public council; **5.1.2.** the public discussion; **5.1.3.** the public hearing; **5.1.4.** the study of public opinion; **5.1.5.** the public discussion of draft legislation; **5.1.6.** the written consultation

Chapter V of the Law is titled "The public hearing and public discussion of the draft legislation acts". The chapter states that the public hearing and public discussion of the draft legislation acts presented to the Parliament are organized by the Parliamentary Apparatus<sup>15</sup>. The law also provides that a special section on the website of the Parliament shall be dedicated to the public hearing and public discussion of the draft legislation acts. Also, all the draft legislation acts registered at the Parliamentary Apparatus should be published on the special section of the website of the Parliament in three days' time after they are sent to the relevant parliamentary committees.

The special section of the website of the Parliament should contain the draft legislation act itself, its sponsors, registration number of the act, the relevant committees was sent to, the schedule and the place of public hearings, the period and procedures of public discussion, the mechanism for feedbacks, comments and suggestions, procedures of their review, the deadline for the announcement of the results, and also the results of the review process of feedbacks, comments and suggestions.

The "Draft legislation" section of the website of the Parliament ([www.meclis.gov.az](http://www.meclis.gov.az)), regularly publishes for draft legal acts for the public discussion. However, there is no information available on their sponsors, registration numbers, the relevant committees, the schedule and the place of public hearings, the period and procedures of public discussion, the mechanism for feedbacks, comments and suggestions, procedures of their review, the deadline for the announcement of the results, and also the results of the review process of feedbacks, comments and suggestions.

Besides the website of the Parliament, another government website ([www.icazeler.gov.az](http://www.icazeler.gov.az)) also publishes the draft legal acts

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<sup>15</sup> The Law on the Public Participation, paragraph 18.

for public discussions. The website [www.icazeler.gov.az](http://www.icazeler.gov.az) was created according to the Presidential decree number 509 dated 26 October 2011 "on several issues related to licenses and permits system for required to deal with certain types of entrepreneurial activity". The decree had tasked the Ministry of Economy and Industry in three months to create an Internet portal containing information on licenses and permits issued by the central and local executive authorities (the names of licenses and permits, their legal basis, required documents, names of the issuing institutions and their legal addresses, etc). The Ministry had also been tasked to create a special rubrics on the website for draft legal acts on entrepreneurial activities and to keep draft legal acts posted on the website during a period of one month.

Therefore, the target groups of draft legislation posted on two websites – [www.meclis.gov.az](http://www.meclis.gov.az) and [www.icazeler.gov.az](http://www.icazeler.gov.az) are different. If the website of the Parliament publishes draft legal acts that have been presented to the Parliament, the second website publishes only those draft legal acts that deal with entrepreneurial activities. The first website is targeting all citizens with the right to vote and the second website is addressing entrepreneurs only.

The Presidential decree dated January 16, 2014 on the implementation of the "Law on the Public Participation" has tasked the Cabinet of Ministers with preparing the unified procedure for the public discussion of the draft legal acts prepared by the central and local executive authorities, as well as the local self-government institutions in three months' time and present it to the President.

The Cabinet of Ministers has finally approved on May 30, 2014 "The Procedure of the public discussion of the draft legal acts prepared by the central and local executive authorities, as well as the local self-government institutions" by the decree number 172. The Procedure defines public discussion as a meeting of

authorized representatives of the respective authorities, members of the civil society institutions, individual citizens, experts and professionals to hold public consultations on the draft legal acts and to raise awareness of the citizens<sup>16</sup>.

The procedure demands the central executive authorities to create a special section on their websites and link it to the e-government portal for the organization of the public hearing and public discussion on the draft legislation acts they have prepared.

The respective central executive authority should publish the draft legislation act on its official website and on the e-government website when the act is sent for further deliberations. The draft legislation act should remain on the special section of the website for a period of 60 days in order to receive feedback, comments and suggestions from the civil society institutions, individual citizens, experts and professionals. If the central executive authority is ordered to prepare the draft legislation act for a period of three months or less, the draft act should be available on the website for a period of 10 days.

Besides the draft legislation act itself, the central executive authority should also publish the information about the respective act of the President that the draft legislation act is intended for implementation, as well as the schedule and the place of public hearings, the period and procedures of public discussion, the mechanism for feedbacks, comments and suggestions, procedures of their review, the deadline for the announcement of the results. The central executive authority should publish, on the special section of its official website, the feedback, comments and suggestions received from the civil society institutions, individual citizens, experts and professionals and ensure that other people also have the opportunity to get acquainted with feedback, comments and suggestions received. The public should also be

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<sup>16</sup> The Procedure of the public discussion of the draft legislation acts prepared by the central and local executive authorities, as well as the local self-government institutions, paragraph 1.3.

informed about the results of the review process of feedback, comments and suggestions and if the draft legislation act is updated according to feedback, comments and suggestions received, then the updated version of the draft act should be published on the website<sup>17</sup>.

The Procedure requires the public hearing and public discussion to be open: "Any legally capable citizens and civil society institutions should be able to participate in the public hearing and public discussion and express their views"<sup>18</sup>.

Unfortunately, the majority of monitored central executive authorities do not comply with these requirements. Only 14 of monitored 48 central executive authorities have organized this kind of public discussion. Some other central executive authorities have special sections on their websites, but they have not published the draft legislation acts. Neither in the official responses to the requests for information, nor on the official websites, there is sufficient information about the acceptance of proposals from the civil society in the process of adoption of legislative acts that were open to the public discussion. Also, during the monitoring process, none of the central executive authorities was observed holding the public discussion in accordance with the requirements of the Procedure. In most of the cases, the central executive authorities who held public discussions have partially complied with the requirements.

In the review of the implementation of the Open Government Initiative National Action Plan, The State Anti-Corruption Committee notes that the state authorities should closely cooperate with the representatives of the civil society, benefit

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<sup>17</sup> The Procedure, section 2: "The organization of the public hearing and public discussion of the draft legislation acts prepared by the central and local executive authorities".

<sup>18</sup> The Procedure, section 3: "The holding of the public hearing and public discussion of the draft legislation acts prepared by the central and local executive authorities".

from their experience, and regularly receive their feedback and ideas. Accordingly, measures should be taken to conduct public hearings and ensure the operation of public councils. Regulations or topics under discussion as well as outcomes of the public discussions should be open to the public<sup>19</sup>.

***Activity 4.2. Establishment of the appropriate councils or cooperation networks with a view to improve interaction with the civil society by state institutions delivering public services.***

**Implementation:** central and local executive authorities in 2012-2013.

**Indicators for assessment:**

Number of the appropriate councils or cooperation networks established by the state institutions delivering public services.

**Methodological basis:**

*2 – All state institutions delivering public services have established appropriate councils or cooperation networks;  
1 – Some state institutions delivering public services have established appropriate councils or cooperation networks;  
0 - No progress observed confirming the implementation of planned activities.*

**Implementation status:**

**Monitoring score: 1**

*(Some state institutions delivering public services have established appropriate councils or cooperation networks.)*

These activities were planned to start in 2012, but the development of the respective legislative framework was further delayed. Until now, the required councils or cooperation networks have been established at the Ministry of Youth and Sports, the

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[http://www.commission-anticorruption.gov.az/upload/file/OGP%20\(action%20plan%20review\)%20.pdf](http://www.commission-anticorruption.gov.az/upload/file/OGP%20(action%20plan%20review)%20.pdf)

Ministry of Justice, the Ministry of Labor and Social Protection, the Ministry of Ecology and Natural Resources, the State Agency for Public Service and Social Innovations, the State Social Protection Fund and some other state institutions.

The Law on the Public Participation was adopted on November 22, 2013, however, it came into force on July 1, 2014. According to the requirement of the Presidential decree number 816-IVQ from November 22, 2013 that approved the Law on the Public Participation, the Cabinet of Ministers has approved "The Regulations for the Election of Public Councils by the Civil Society Institutions" on May 30, 2014. This act regulates the procedures for establishing/or setting public councils.

After the approval of the Regulations, within the framework of the Socio-Economic Development Activity (SEDA) project, co-financed by the US and Azerbaijani governments, with the support of the Council for State Support to Non-Governmental Organizations, the Progress Social Research Public Union has organized the awareness raising seminars about the establishment of public councils in the cities of Yevlakh, Goranboy, Samukh, Goygol, Gadabay, Dashkasan, Shamkir, Tovuz, Agstafa, Gazakh, Ujar, Agdash, Barda, Agjabadi, Goychay and Mingachevir.

The first public council established by the central executive authorities was the one at the Ministry for Labor and Social Protection. The situation with the establishment of public councils at the local executive authorities is much worse. In their official responses to the requests for information, some local executive authorities have presented the Elders' Councils as public councils. In almost all of the districts of Azerbaijan, there are local Elders' Councils. The Elders' Councils are non-governmental organizations and their status and activities are regulated by the Law on NGOs (Public Unions and Funds). The Elders' Councils cannot replace public councils. Among the local executive authorities, only the Executive Authority of Binagadi District has

complied with the requirements of the Regulations and established the public council.

In the Review of the implementation of the Open Government Initiative National Action Plan<sup>20</sup>, the State Anti-Corruption Commission notes that generally the number of public councils under central executive powers is limited. For this purpose, it is necessary to enforce the provisions of the Law on Public Participation which was enacted on January 16, 2014 and thus, ensures the activities of the public councils are under the state authorities.

*Activity 4.3. Usage of web-pages as means of involving the public in decision-making processes on matters of public concern (reception of comments and proposals of citizens, organization of discussions, development of the Questions-Answers (Q&A) sections, etc.).*

**Implementation:** central and local executive authorities on ongoing basis.

**Indicators for assessment:**

Number of the central and local executive authorities using their websites as a means of involving the public in decision-making processes on matters of public concern

**Methodological basis:**

*3 – More than 70% of central and local executive authorities use their websites as a means of involving the public in decision-making process;*

*2 - Between 20% and 70% of central and local executive authorities use their websites as a means of involving the public in decision-making process;*

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20

[http://www.commission-anticorruption.gov.az/upload/file/OGP%20\(action%20plan%20review\)%20.pdf](http://www.commission-anticorruption.gov.az/upload/file/OGP%20(action%20plan%20review)%20.pdf)



*1 – Less than 20% of the central and local executive authorities use their websites as a means of involving the public in decision-making process;*

*0 – None of central and local executive authorities uses their websites as a means of involving the public in decision-making process.*

**Implementation status:**

**Monitoring score: 2**

*(Between 20% and 70% of central and local executive authorities use their websites as means of involving the public in decision-making process.)*

Almost all of 48 monitored central executive authorities have interactive Question-and-Answer sections, online application functions and FAQs on their official websites. However, the local executive authorities do not comply with these requirements. Monitoring of the websites of the local executive authorities has revealed that in most cases, online application functions on these websites are just formal. Local executive authorities do not use their websites as a means of involving the public in decision-making processes. Exception being made by the website of the Executive Authority of Binagadi District.

***Activity 4.4. Organization of the "Open-Door" forums by state institutions.***

**Implementation:** central and local executive authorities on on-going basis.

**Indicators for assessment:**

Number of the central and local executive authorities organizing "Open-Door" forums.

**Methodological basis:**

*3 – More than 70% of central and local executive authorities have*

*organized "Open-Day" forums;*

*2 – Between 20% and 70% of central and local executive authorities have organized "Open-Day" forums;*

*1 – Less than 20% of the central and local executive authorities have organized "Open-Day" forums;*

*0 – None of central and local executive authorities has organized "Open-Day" forums.*

**Implementation status:**

**Monitoring score: 3**

*(More than 70% of central and local executive authorities have organized "Open-Day" forums.)*

This is the only measure in the 4th area of the National Action Plan that most central and local executive authorities comply with. 78 out of 94 monitored central and local executive authorities (or 83%) are organizing "Open-Door" forums on a regular basis. The announcements about the upcoming forums and the topics discussed as part of these forums are regularly published on the websites of the respective executive authorities.

**5th area:**

**Improvement of e-services**

**AVERAGE SCORE: 2.00**

***Activity 5.1. Evaluation of the e-services (5.1.1) and public disclosure of the results (5.1.2).***

**Implementation:** Ministry of Communications and IT, Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan on on-going basis.

**Indicators for assessment:**

**Per 5.1.1.:**

Evaluation of all forms of e-services.

**Methodological basis:**

*2 – The evaluation of the e-services are conducted;*

*1 – The preparatory work for the evaluation of the e-services are underway;*

*0 – No progress observed confirming the implementation of planned activities.*

**Indicators for assessment:****Per 5.1.2.:**

The publication of the evaluation results.

**Methodological basis:**

*2 – The results of the evaluation of the e-services have been published;*

*1 – The results of the evaluation of the e-services have not been published, but the preparatory works for publication are underway;*

*0 – No facts observed confirming the publication of the evaluation results.*

**Implementation status:****Per 5.1.1.:****Monitoring score: 2**

*(The evaluation of the e-services are conducted.)*

The State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan has approved an updated version of "the Guidelines on the evaluation of the organization and provision of e-services by the state authorities". The Agency had also conducted an evaluation of the organization and provision of e-services by 45 state authorities. In the official response to the request for information addressed to the Ministry of Communication and High Technologies, the Ministry stated that one of its staff members was part of the evaluation process (Letter number HKŞ-34/36, dated March 19, 2014). Besides, the Ministry regularly publishes the statistical information about the

e-services, their integration onto the e-government portal, the number of users, etc. in the form of monthly newsletters on its official website.

**Per 5.1.2.:**

**Monitoring score: 2**

*(The results of the evaluation of the e-services have been published.)*

The State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan has revised "the Guidelines on the evaluation of the organization and provision of e-services by the state authorities" and approved its updated version. The Guidelines are also published on the Agency's website<sup>21</sup>. Besides, the Agency has prepared the timetable of its evaluation of the e-services provided by 45 central executive authorities and published it on its website<sup>22</sup>. The Ministry of Communication and High Technologies regularly publishes the statistical information about the e-services provided by the state institutions in the form of monthly newsletters on its official website<sup>23</sup>.

***Activity 5.2. Public presentation on e-services delivered by state institutions within their area of activity, at least once a year.***

**Implementation:** central and local executive authorities in 2013-2015.

**Indicators for assessment:**

Number of state institutions holding public presentations on their e-services at least once a year.

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21 <http://www.asan.gov.az/az/content/view/349/2427>

22 [http://vxside.gov.az/redirect/index/cat\\_id/69/MainOrNot/1](http://vxside.gov.az/redirect/index/cat_id/69/MainOrNot/1)

23 <https://www.e-gov.az/az/content/read/42>

**Methodological basis:**

*3 – More than 70% of central and local executive authorities delivering/providing e-services have held a public presentation at least once a year;*

*2 – Between 20% and 70% of central and local executive authorities delivering/providing e-services have held a public presentation at least once a year;*

*1 – Less than 20% of the central and local executive authorities delivering/providing e-services have held a public presentation at least once a year;*

*0 – None of central and local executive authorities delivering/providing e-services has held any public presentations.*

**Implementation status:****Monitoring score: 2**

*(Between 20% and 70% of central and local executive authorities rendering e-services have held a public presentation at least once a year.)*

During the monitoring process, only 17 central executive authorities out of all central executive authorities providing e-services have been observed holding public presentations on their e-services. This represents 35.4% of all the state institutions covered by the monitoring; still not all the 17 state institutions have organized a separate presentation about their e-services. Most of these state institutions stated that they had presented their e-services as part of various events dedicated to other topics. The Ministry of Economy and Industry, the State Social Protection Fund and the Ministry of Communication and High Technologies are the examples of the state institutions regularly and systematically holding public presentations about their e-services. During the reporting period, these institutions have also organized public presentations of their e-services in different regions of the country.

**Activity 5.3. Development of the unified system in order to ensure the electronic information exchange between the state institutions.**

**Implementation:** Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan, Ministry of Communications and IT, Special State Security Service in 2013-2014.

**Indicators for assessment:**

Development of the unified system for the electronic information exchange between the state institutions.

**Methodological basis:**

*2 – The unified system for the electronic information exchange between the state institutions has been developed;*

*1 – Preparatory works for the development of the unified system for the electronic information exchange between the state institutions are underway;*

*0 – No progress was observed regarding the development of the unified system for the electronic information exchange between the state institutions.*

**Implementation status:**

**Monitoring score: 2**

*(The unified system for the electronic information exchange between the state institutions has been developed.)*

The Ministry of Communication and High Technologies has stated in its official response to the request for information that the "Electronic Government" State Information System had been developed and 40 state institutions have been integrated into the system.

In order to organize the information exchange between the information systems of various state institutions and to allow the citizens to access the government e-services on "one stop shop"

principle, a special electronic government portal ([www.e-gov.az](http://www.e-gov.az)) was developed and put into use.

During the reporting period, 446 e-services were approved and 296 of them were integrated into the e-government portal. In total, the e-government portal offers 374 e-services and 78 of them are not approved yet. Thus, 150 approved e-services were not integrated into the e-government portal during the reporting period<sup>24</sup>. It should be also noted that the Ministry of Communication and the State Agency for Public Service and Social Innovations have prepared a draft law on the state information systems and information resources and presented it to the government for further elaborations.

***Activity 5.4. Improvement of electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues.***

**Implementation:** Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan in 2013-2014.

**Indicators for assessment:**

The electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues.

**Methodological basis:**

*2 - Measures for the improvement of the electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues have been implemented;*

*1 - Preparatory works for the improvement of the electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues are underway;*

*0 - No progress observed confirming the preparation and implementation of measures for the improvement of the electronic*

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<sup>24</sup> [http://www.mincom.gov.az/assets/Uploads/bulleten%202022\\_portala.pdf](http://www.mincom.gov.az/assets/Uploads/bulleten%202022_portala.pdf)

*payment of fees, taxes, administrative fines, utility costs and other administrative dues.*

**Implementation status:**

**Monitoring score: 2**

*(Measures for the improvement of the electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues have been implemented.)*

The Central Bank of the Republic of Azerbaijan has established the National Payment System (NPS) infrastructure. One new component of the NPS, the Centralized Information System for Mass Payments (CISMP) was developed and put into use on July 11, 2008. The main objectives of the CISMP were to improve the internal information systems of the public utility and other public service companies and to integrate them into the NPS, to improve the collection rate and transparency of public utility payments and to integrate the financial turnover of the public utility companies into the banking system. The introduction of the CISMP system based on new technologies has enabled the subscribers to obtain full information on their utility debts and make all payments via desired payment methods (cash, payment cards, bank transfers, Internet banking) at any payment service points of the financial institutions integrated to the system.

Information on any payments in favor of companies integrated into the system is delivered to the respective companies in 30 seconds. At the same time, any changes in the electronic subscriber database of participating entities are delivered to the centralized information database in real time through the high-level data exchange interface with the internal information system of participating entities. The Central Bank has also created the Government Payment Portal (GPP) on the basis of the CISMP to ensure online payment of duties and other payments for services provided by state institutions. In total, 220 types of payments for services provided by the state institutions can be made in cash at



about 1500 payment service points of the "AzerPost" LLC and 42 banks integrated to the infrastructure, as well as via payment cards using the Internet resource ([www.gpp.az](http://www.gpp.az)) of the GPP<sup>25</sup>.

The public utility companies – "Azerenerji", "Bakielektrikshebeke", "Azersu", "Azerigaz" and "Azeristiliktejhizat", the state institutions – the State Mortgage Fund, the State Migration Service, the Ministry of Taxes, the Ministry of Economy and Industry, the Ministry of Emergency Situations, the Ministry of Internal Affairs, the State Social Protection Fund, the State Customs Committee and the Central State Road Police, the landline phone service providers – "Baki Telefon Rabitesi" and "Aztelekom" and the mobile operator – "Azercell Telekom" LLC are already integrated into the GPP infrastructure<sup>26</sup>. The Ministry of Taxes has stated in its official response to the request for information that in 2013, a total of 154.4 million AZN were collected through 754,163 payments using the electronic payment system.

***Activity 5.5. Implementation of measures facilitating access to e-services in the regions.***

**Implementation:** central and local executive authorities, Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan, Ministry of Communications and IT, Special State Security Service in 2013-2014.

**Indicators for assessment:**

Implementation of the measures facilitating the access to e-services in the regions

**Methodological basis:**

*3 – At least one measure has been implemented in more than 70% of the regions for facilitating the access to e-services;*

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25 <http://www.gpp.az>

26 <https://gpp.az/az/site/member/government>

*2 – At least one measure has been implemented in between 20% and 70% of the regions for facilitating the access to e-services;*  
*1 – At least one measure has been implemented in less than 20% of the regions for facilitating the access to e-services;*  
*0 – No measures have been implemented for facilitating the access to e-services in the regions.*

**Implementation status:**

**Monitoring score: 2**

*(At least one measure has been implemented in between 20% and 70% of the regions for facilitating the access to e-services.)*

The Ministry of Communication and High Technologies has stated that they were in the process of negotiations with the respective authorities for the start of the implementation of the National Broadband Internet Development project. This project envisages that people in every settlement of the country, including the remote mountain villages will have an access to high-speed broadband Internet and other advanced telecommunication services over the fiber-optic communication. According to the project, the remote mountain villages should have an access to the Internet with a minimum speed of 30 Mbps and the cities – 100 Mbps; and the number of broadband Internet users should reach 85% of total population<sup>27</sup>. Also during the reporting period, the Ministry has created alternative regional service center in the city

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<sup>27</sup> The National Broadband Internet Development project was planned to be implemented between 2014 and 2016. The total cost of the project was 350 million AZN. According to the preliminary agreement between the Ministry of Communication and High Technologies (MCHT) and the State Oil Fund (SOFAZ), 105 million AZN were to be allocated for the start of the project in 2014. MCHT had already partnered with "Booz & Co" and conducted a preliminary assessment of the project. However, SOFAZ refused to fund the project citing its commercial nature. MCHT chief Ali Abbasov told during his press statement on 18 February 2014 that the implementation of the project had been postponed till 2016: "As you know, this project had to be implemented with SOFAZ. Now, we have decided to start the implementation of the project in 2016 and we have found new sources of funding for it. The project will be financed through soft loans from foreign banks and international organizations. The project is divided between several subprojects and revenues from these subprojects will help us to return our investment in 2-5 years. Thus, we will be able not to resort to state funding." <http://az.salamnews.org/az/news/read/163849>

of Yevlakh, serving Aztelekom's broadband Internet subscribers in Yevlakh, Barda, Agdam and Tartar telecommunication hubs. Residents of the other districts in the region will be able to use the services of the center in the near future.

In order to facilitate the access to e-services in the regions and to raise the awareness of the local residents, the State Agency for Public Service and Social Innovations has the mobile ASAN service – specially equipped buses serving the population of 37 districts by providing e-services in 21 locations throughout the country. One of the activities of the ASAN service centers of the Agency is so-called "self-service". Special "self-service" booths installed in the ASAN centers provide an opportunity for citizens to use all types of electronic services by means of computers connected to the Internet. There are 3 "self-service" booths installed in the Sumgait ASAN service center and 4 booths – in the Ganja ASAN service center.

Another central executive authority well-known for its activities related to facilitation of the access to e-services in the regions is the Ministry of Economy and Energy. During the reporting period, the Ministry has held numerous presentations about its activities in 59 districts. One of the topics of these presentations was the e-services provided by the Ministry. Besides, the Ministry has also presented its online resources (<http://www.icazeler.gov.az>, <http://www.yoxlama.gov.az>, [www.biznesinfo.az](http://www.biznesinfo.az)) and e-services to the entrepreneurs in Ganja, Shamkir, Goranboy, Gabala, Barda, Khizi, Gusar, Dashkasan, Khachmaz and Yardimli.

All 50 e-services of the Ministry of Taxes provided since July 07, 2013, are available in all regional service centers of the Ministry.

#### **8th area:**

**Increase of transparency in extractive industries AVERAGE SCORE: 1.66**

***Activity 8.1. Continuing the cooperation between the Government of the Republic of Azerbaijan and both local and foreign companies engaged in extractive industries, as well as civil society institutions, in order to ensure continuous implementation and development of the Extractive Industries Transparency Initiative in Azerbaijan.***

**Implementation:** State Oil Fund in 2012-2015.

**Indicators for assessment:**

Implementation of measures for the continuous cooperation between the Government of the Republic of Azerbaijan and both local and foreign companies engaged in extractive industries, along with civil society institutions, in order to ensure continuing implementation and development of the Extractive Industries Transparency Initiative in Azerbaijan

***Methodological basis:***

*2- The measures have been implemented;*

*1 – Preparatory work for the measures are in progress;*

*0 – No measures have been implemented and no preparatory work is in progress.*

**Implementation status:**

**Monitoring score: 2**

*(The measures have been implemented.)*

In the letter dated back to January 15, 2015, the State Oil Fund stated that during the reporting period, the Multi-Stakeholder Group (MSG) consisting of the representatives of the companies engaged in extractive industries, the civil society and the government had held 12 meetings in 2014, a seminar was held for the local and foreign production companies and the members of EITI NGO coalition in connection with the adoption of new EITI standards and the SOFAZ hosted an International Conference “10

years of Azerbaijan in EITI. From history to new stage” devoted to the 10th anniversary of the Extractive Industries Transparency Initiative (EITI) implementation in Azerbaijan. One of the most significant actions was signing of a new Memorandum of Understanding on "Implementation of the Extractive Industries Transparency Initiative in the Republic of Azerbaijan" between the EITI Commission, local and foreign extractive industry companies operating in Azerbaijan and NGO Coalition for Improving Transparency in Extractive Industries. Also, in connection with the start of the EITI validation process in Azerbaijan on January 1, 2015, a pre-validation workshop was held for the EITI parties on 24 December 2014. In response to the new difficulties associated with the participation of civil society in the EITI process in Azerbaijan, and according to the EITI Board decision, a high profile fact finding mission visited Baku during the week of September 19-22, 2014. The Mission met and held discussions with the members of the NGO Coalition for Improving Transparency in Extractive Industries, other civil society representatives, members of the diplomatic missions and the Multi-Stakeholder Group.

The EITI Board discussed the findings during its meeting on October 14-15, 2014 and concluded that the situation for civil society in Azerbaijan was unacceptable and that EITI implementation could not take place under the given circumstances. The Board agreed several corrective actions, and brought forward the schedule for Azerbaijan’s validation under the EITI Standard. Additional details are available in the Board minutes from Myanmar. EITI Chair Clare Short has also commented on the case. Validation is underway, and the EITI Board will review the case at its next meeting in April 2015.

All civil society Board members called for immediate suspension in accordance with Requirement 1.7.a. The Board based its discussion on the report from the fact-finding mission, which found that Requirement 1.3(a-e) was not being adhered to. The

EITI Board called on the government of Azerbaijan to reaffirm its commitment to work with civil society and ensure an enabling environment for civil society participation in the EITI. The EITI Board further requested that the government and the EITI multi-stakeholder group in Azerbaijan take steps to ensure that civil society could resume its role in the EITI process and carry out the tasks foreseen in the EITI work plan, including by ensuring that civil society representatives substantively involved in the EITI process are able to:

- (i) Freely access and use funding to carry out their activities, including those of the EITI Coalition. Specifically, the government should ensure that the EITI Coalition and its members and employees are able to access their bank accounts and register new grants for the purpose of activities related to the EITI process and natural resource governance, and any further restrictions on NGO operations in natural resource governance should be avoided.
- (ii) Speak freely about the EITI process and express views on natural resource governance without fear or threat of reprisal or harassment of civil society members substantively involved in the EITI process. Specifically, the government should ensure that the Coalition is able to freely access space for public events related to the EITI and facilitate public awareness campaigns and debates related to the EITI process and natural resource governance.
- (iii) Organize trainings, meetings and events related to the EITI process and natural resource governance

The EITI Board agreed that progress on these actions, in addition to adherence to all EITI Requirements based on Azerbaijan's 2013 EITI Report, would be assessed in accordance with the EITI Standard with early Validation to commence on 1 January 2015 and be completed no later than early February 2015 for discussion by the Board at its February meeting. Should Validation conclude that Azerbaijan has met all EITI Requirements, Azerbaijan will

maintain its status as compliant with the EITI Requirements in accordance with Requirement 1.6.b. Should Validation conclude that Azerbaijan has made meaningful progress towards achieving EITI Compliant status but has not met all of the requirements, Azerbaijan will have its status downgraded from compliant to candidate in accordance with Requirement 1.6.b. Should Validation conclude that Azerbaijan has made no meaningful progress with EITI implementation, Azerbaijan will be delisted in accordance with Requirement 1.6.b. Should Validation conclude that it is vividly clear that a significant aspect of the EITI Principles and Requirements is not being adhered to, the EITI Board will suspend or delist Azerbaijan in accordance with Requirement 1.7.a. It was proposed that a high-level mission might visit Baku to help convey the above. The EITI Board decided that Azerbaijan should undertake early Validation in accordance with the EITI Standard to commence on 1 January 2015. In accordance with the approved timetable, the Validator's final report is due on May 2015.

***Activity 8.2. Continuation of the public disclosure of the information on cumulative incomes obtained by the Government of the Republic of Azerbaijan from the extractive industries.***

**Implementation:** State Oil Fund in 2012-2015.

**Indicators for assessment:**

Public disclosure of the information on cumulative incomes obtained by the Government of the Republic of Azerbaijan from the extractive industries.

**Methodological basis:**

*2 – The information is disclosed;*

*1 – Preparatory works for the disclosure of the information is in progress;*

*0 – No information is disclosed and no preparatory works are in progress.*

**Implementation status:****Monitoring score: 1**

*(Preparatory works for the disclosure of the information is in progress.)*

As noted in the extract from the minutes of the EITI Multi-stakeholder Group's 28th meeting on 19 February 2014, published on the website of the State Oil Fund and the EITI Secretariat, it was decided that the Inception Report should not be prepared for the next reporting year and the Independent Administrator should present the new Terms of Reference updated in accordance with the Standard, the reporting forms and the methodology of collecting contextual data by 23th February of 2014. In order to continue this activity regularly, the Multi-Stakeholder group has established a working group with the participation of all parties. The working group has worked on the contextual data during the evaluation period, but the work was not completed in 2014. The Multi-stakeholder Group has approved the 18th report, but the report was not disclosed to the public.

The Coalition of Azerbaijani NGOs for Improving Transparency in Extractive Industries has prepared the Review of the draft version of the 18th Report (for 2013) and the auditor's reconciliation report and presented it to the Multi-stakeholder Group on 3 November 2014.

In the letter dated January 15, 2015 the State Oil Fund stated that the 18th Report (for 2013) on the cumulative incomes obtained by the Government of the Republic of Azerbaijan from the extractive industries, prepared in accordance with the EITI Standard, as well as the independent auditor's draft reconciliation report (more detailed than previous years) had been presented to the Multi-stakeholder Group on October 3, 2014. However, as the final version of the report was not ready, the EITI Coalition hadn't updated its opinion and it wasn't discussed at the MSG.



***Activity 8.3. Disclosure of the annual reports of the implementation of the Extractive Industries Transparency Initiative in Azerbaijan.***

**Implementation:** State Oil Fund in 2012-2015.

**Indicators for assessment:**

The disclosure of the annual report on the implementation of the EITI in Azerbaijan.

**Methodological basis:**

*2 – The annual report on the implementation of the EITI in Azerbaijan was disclosed;*

*1 – Preparatory works are in progress for the disclosure of the annual report on the implementation of the EITI in Azerbaijan;*

*0 – The annual report on the implementation of the EITI in Azerbaijan was not disclosed and no preparatory works are in progress.*

**Implementation status:**

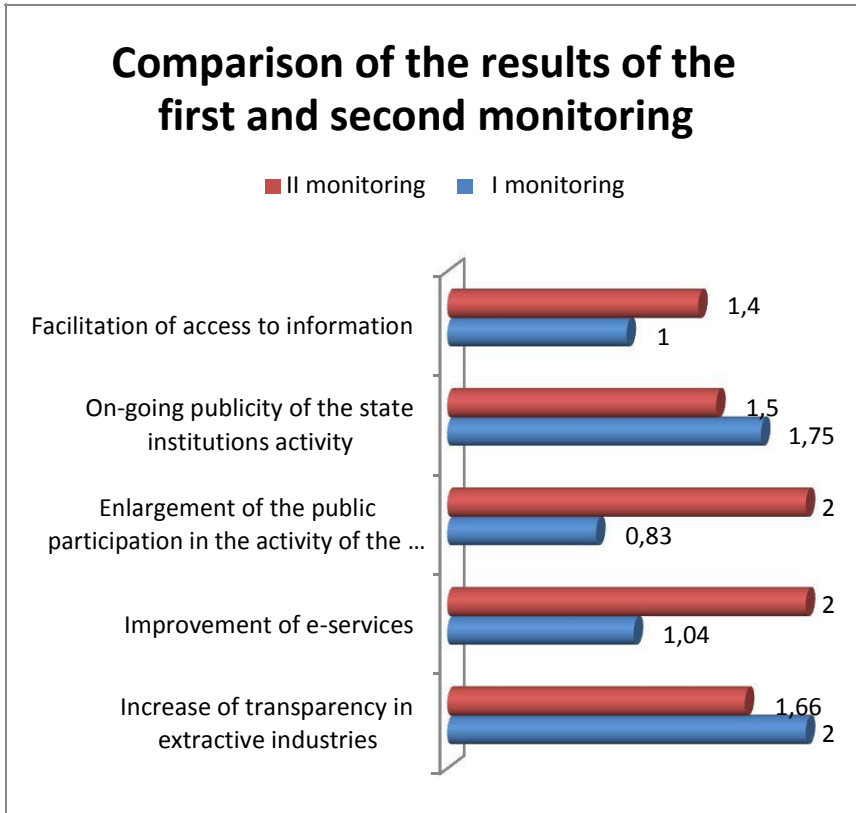
**Monitoring score: 2**

*(The annual report on the implementation of the EITI in Azerbaijan was disclosed.)*

In the letter dated back to January 15, 2015 the State Oil Fund stated that the annual report on the implementation of the EITI in Azerbaijan for 2013 was disclosed on June 29, 2014.

### III.FINDINGS AND CONCLUSIONS

1. The second monitoring has shown that the work done by the central executive authorities for the implementation of the National Action Plan is **satisfactory**: the planned actions have been accomplished. The comparison of results of the first (September 2013 – December 2014) also confirm this conclusion.



2. **However, the inactivity of local executive authorities has dragged the average score down.** Among 46 local executive authorities, only 7 bodies have designated employees in charge of the access to information, 5 have adopted the internal rules on freedom of information and 4 have conducted comprehensive

trainings for civil servants responsible for the freedom of information. Only one local executive authority has established a public oversight board. Besides, only 3 local executive authorities have developed the guiding principles governing their activities and only one of them has published legislation regulating their activities in reader-friendly versions. It is interesting to note that the poorest websites of local executive authorities are of those in big cities like Baku, Sumgait and Ganja. Unfortunately, the frequency of updates on these websites leaves a lot of space for improvement. The website of the local executive authority of Binagadi district can be taken as an example/good model given its vast coverage and provision of access to information. Again, with Binagadi district website being an exception, e-services are not active on the websites of any other local executive authorities.

- 3. Duties and responsibilities of press secretaries and officials in charge of the access to information in state institutions are not delineated.** In general, most state institutions have designated their press secretaries also as officials in charge of the access to information. Few state institutions have delegated this responsibility to a lawyer. Most state institutions don't have any legal and regulatory documents which set out duties and responsibilities of press secretaries and if a state institution has such a document, then it is usually not available to public. Therefore, it is not possible to differentiate between a press secretary and an official in charge of the access to information in terms of their duties and responsibilities. Performance of the officials in charge of the access to information is regulated by the internal rules on freedom of information of the state institutions and these rules usually repeat the provisions of the Law on Obtaining Information.
- 4. No information about the measures to promote the open government and to fight against corruption have been found in the annual reports of the Cabinet of Ministers of the Republic of Azerbaijan to the Parliament of the Republic of**

## **Azerbaijan.**

- 5. The deadline for establishment of public oversight boards at the central and local executive authorities has expired in 2013, but the process of their establishment is still delayed.** The Presidential decree dated January 16, 2014 on the implementation of the Law on Public Participation (number 816-IVQ, dated 22 November 2013) has tasked the Cabinet of Ministers to prepare in three months recommendations about the central executive authorities to be placed under public control. However, it isn't clear yet which central executive authorities have established public oversight councils.
- 6. Some activities on development of reader-friendly versions of the legislation and guiding principles regulating the activities of state institutions have been going on, but their adoption is still delayed.**
- 7. Although the websites of local executive authorities are developed on the basis of unified principles, their features/functionality are limited.** There are space limits for archived materials and in some cases, only information on two or three months' activities can be stored on the websites. The websites have no search functionality and no rubrics are created for reports.
- 8. Only six out of 40 state programs have their own websites or special sections on coordinating state bodies' websites.** There is no systematic information available about implementation of other state programs and this creates various challenges.
- 9. The structure of the Office of the Commissioner for Human Rights has not been upgraded in accordance with its new responsibilities.** As stated in the official letter from the Office of the Commissioner, recommendations about upgrading the structure of the Office of the Commissioner with the purpose of

oversight over implementation of the Law on the Right to Obtain Information have been developed and sent to the Cabinet of Ministers and the Ministry of Finances. However, no real actions have been taken yet.

**10. Four of six monitored activities in the area of improvement of e-services have received maximum scores.** Other two activities received higher than average scores (2 out of 3).

**11.** In connection with the adoption of new EITI standards, the annual report on government royalties received from the companies during the reporting period was not disclosed to the public. Recent legislative changes and amendments to the legal framework regulating the civil society institutions have also affected negatively the participation of civil society groups in EITI process. Thus, public participation in the EITI implementation and possibility of public debate on accountability were limited.

#### **IV. RECOMMENDATIONS**

- 1.** Approval of the list of central executive authorities under public control and establishment of public oversight boards at the local executive authorities should be accelerated;
- 2.** The websites of local executive authorities should be improved and their servers should be reinforced;
- 3.** Duties and responsibilities of press secretaries and officials in charge of the access to information in state institutions should be delineated;
- 4.** Awareness about the OGP and its requirements among the state executive authorities, especially the local executive authorities should be increased, as the monitoring demonstrated that majority of them are either not aware of their commitments or their responsibilities to implement those commitments;
- 5.** The process of adjustment of the websites of state authorities to the "Rules on creation and administration of the Internet information resources of state bodies" should be accelerated, as this may help to establish the regularity of preparation of annual reports by state authorities based on unified principles and covering the use of financial resources, as well as their publication online;
- 6.** The unified principles of creation of Internet resources for the state programs should be developed and all coordinating state bodies should follow those principles;
- 7.** Staff positions for the Department for Freedom of Information at the Office of the Commissioner for Human Rights should be approved as soon as possible and all necessary steps should be taken to allow it to start its work;

8. The central and local executive authorities should publish their reports in a special rubrics on their websites and in multiple formats (doc, pdf, etc); these reports should be easily accessible from the homepage, as not all central executive authorities have published their reports in separate rubrics on their websites and when it comes to local executive authorities, this is even more stringent to be done.
  
9. Developing legal framework governing the implementation of EITI, granting independence to the EITI Secretariat, removing confidentiality of deliberations in the Multi-Stakeholder Group, as well as facilitating funding opportunities and granting registration for the civil society institutions as members of the EITI NGO coalition can provide incentives to progress in the implementation of the National Action Plan.

## **V. IMPLEMENTATION STATUS OF THE CIVIL SOCIETY RECOMMENDATIONS BASED ON THE FIRST MONITORING OF THE NATIONAL ACTION PLAN**

### **1. Recommendations for the improvement of the Open Government Initiative National Action Plan:**

- Updating the National Action Plan on regular basis by preparing specific annual action plans based on the three-year general action plan (**not implemented**);
- Adding indicators for measuring implementation of all actions and sub-actions within the framework of the National Action Plan commitments (**not implemented**);
- Capacity building for the state institution responsible for the engagement of the broader civil society in the oversight and implementation of the Action Plan (**not implemented**);
- Conducting an extensive monitoring of the National Action Plan in order to assess the results of the commitments arising from the National Action Plan and for this purpose, increasing access to the specific information and detailed reports that would support this kind of monitoring (**partially implemented**).

### **2. Recommendations for the strengthening and broadening the civil society engagement in the Open Government Initiative:**

- Creating a networking mechanism for the respective civil society organizations to support implementation of the National Action Plan; participating in all levels of the realization of the National Action Plan – its development, implementation, monitoring and evaluation; establishing a bilateral dialogue platform with participation of key NGOs specialized in this area (**not implemented**);
- Establishing feasible cooperation both internationally and regionally, especially with the CIS countries that are making



good progress in this area, i.e. Moldova, Georgia (**not implemented**);

- Creating an enabling environment for the civil society driven activities related to the Open Government Partnership Initiative (**not implemented**);
- Increasing access to resources for the civil society organizations in order to enable them to become real partners of the Government (**not implemented**);
- Establishing a common dialogue platform that would increase participation of the civil society in the decision making processes; developing a common model of “Open door” civil society forums and determining their regular frequency and overall framework, including responsibilities of the agencies holding such forums (**not implemented**).

### **3. Recommendations for the specific commitments (actions and sub-actions) of the Action Plan:**

- Facilitating development and maintenance of the websites of the state authorities according to the "Requirements on the Development and Maintenance of the Internet Information Resources of the State Institutions". The successful accomplishment of this task will allow the state authorities to prepare their annual reports based on common principles, as well as to publish and update their reports on their websites on a regular basis. Common principles of development of the Internet resources of the state programs should be prepared and all coordinating state agencies should comply with these principles (**partially implemented**). The websites of local executive authorities are developed according to the common standard, but the case with the websites of central executive authorities is not the same. There are some sections common for all these websites, like Legislation, Structure, State Programs, Activities, Public Relations, International Relations, etc. However, these are not sufficient for the development of a systemic and common structure. For example, the websites of the many central executive

authorities do not contain Reports section. The websites of the central executive authorities should also be developed according to common standards.

- The Commissioner for the Freedom of Information should be established as a separate and independent institution. The Office of the Commissioner for Human Rights (Ombudsman) does not have any authority or mechanisms for action and thus, it is not able to control the state institutions ensuring the freedom of information (**not implemented**). No progress has been observed in this direction. Not only the independent institutions, but even the intended "Department of Information Provision" at the Office of the Commissioner has not been established yet.
- Identifying the main reasons behind the central executive authorities' avoidance of holding public presentations about their public services and demanding periodic reports from the central executive authorities on the implementation of their commitments to organize such public presentations (**no information available**);
- Carrying out series of measures aimed at the improvement of technical means that will enable the citizens to pay their taxes and duties through the electronic payment systems, as informing citizens of the new electronic payment opportunities; for this purpose, creating a favorable technical environment at the state institutions in the regions in order to improve the IT knowledge and skills of the employees of the state institutions and the citizens using their services (**implemented**);
- Preparing proposals on control mechanisms and procedures on the development and execution of the state and local budgets, as well as conducting social audits of the expenditure of budget funds on the basis of the budget forecasts, preparing legislative proposals for the municipalities to present their financial reports to the public in a timely manner and approval of local budgets with the public participation and for these purposes, ensuring that the responsibilities of the entities and

individuals in charge of these activities are clearly defined and understood in the legislation (**partially implemented**);

- Making relevant amendments to the statutes of the state financial control institutions in order to delineate their powers, as well as developing a set of rules on the responsibilities of the institutions implementing the state financial control mechanism (**not implemented**);
- Facilitating the approval of the draft Law on the Financial Control and organizing public discussion of the bill both in Baku and in the regions (**not implemented**);
- Online publishing of the Annual Activities Reports of the state financial control institutions with the information that characterizes the performance of their financial control and describes the employment of their public resources (**partially implemented**); unfortunately, no state financial control institution discloses any information about their financial activities in these reports.
- Disclosing the annual reports of the state institutions to the general public (**partially implemented**). Most state institutions publish their annual reports on their websites. However, these reports are prepared along general terms and superficially; and don't provide a comprehensive picture of the activities of respective state institutions. Few local executive authorities publish their annual reports online. Sometimes, information in annual reports of the local executive authority consists of a few sentences. For instance, the Executive Authority of Sumgait City has published only one sentence about their annual report for 2014 (<http://www.sumqayit-ih.gov.az/news/73.html>) and the report itself is not available to the public.
- Publishing the state budget and the respective draft legislation online and organizing public discussions and public hearings prior to submitting these bills to the Parliament. The documents released before the submission of the state budget and respective legislation to the Parliament do not contain all

the sufficient information, and no public discussions and public hearings are held.

## **ATTACHMENT 1**

### **OPEN GOVERNMENT INITIATIVE NATIONAL ACTION PLAN FOR 2012-2015**

**Endorsed by the Presidential Decree of the 5th September  
2012**

Enhancement of transparency in the state institutions of the Republic of Azerbaijan, provision of accountability, enlargement of public participation and application of the new technologies are key principles of this initiative. In order to improve the activity of the state institutions in line with the modern standards, National Strategy for Increasing Transparency and Combating Corruption for 2007-2011 has been implemented. This Strategy contained important measures in the area of Open Government. The Republic of Azerbaijan also joined all international initiatives in the sphere of Good Governance.

The Republic of Azerbaijan has also joined the Open Government Partnership (OGP) in 2012 with a view to improve its activities aimed at increasing transparency and promoting Open Government; to exchange the international experience; and to contribute to the international efforts in this area.

The following measures were implemented to implant the principles of transparency and open government in the activity of state institutions:

#### **Freedom of information**

Law on the Right to Obtain Information was enacted in 2005. The Commissioner for Human Rights (Ombudsman) was commissioned with the task of overseeing the implementation of the law. Practical measures facilitating the acquisition of information were enforced within the framework of the National Strategy for Increasing Transparency and Combating Corruption. The Strategy also defined the measures ensuring proactive submission of information to public by state institutions.

## **E-services**

In 2010, the Second Electronic Azerbaijan State Program was adopted. The President signed the Decree on The Measures in Organizing E-Services on the 23rd May 2011. According to this Decree, the state institutions are bound to organize e-services within the area of their activity. The [www.e-gov.az](http://www.e-gov.az) portal was launched in order to ensure one stop shop principle application in rendering e-services.

## **One stop shop**

The state incorporation of the entrepreneurial activity is carried out according to the One-Stop Shop principle since 2008. As a result, the number of procedures for incorporation of the commercial legal persons dropped from thirteen to three, the term shortened from fifty three days to just three and the number of the documents to be provided was cut by five times. Azerbaijan was named a 'reformer state' in the World Bank survey of Doing Business 2009, due to reforms in the field of launching business. The registration of the physical persons for entrepreneurial activity started as on the 1st June 2011 and the incorporation of the legal person, as of February 2012. Furthermore, One stop shop facilities were in the areas of border-checking of transported goods and vehicles as of 2008, immigration procedures as of 2009 and registration of imported vehicles as of 2011.

The State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan was established on July 2012 along with the ASAN service centers in order to ensure that all services are rendered to citizens from single source, with higher quality and in more convenient manner.

## **Extractive Industries Transparency Initiative**

The Republic of Azerbaijan has joined the Extractive Industries Transparency Initiative (EITI) in 2003 and established the State Commission charged with the implementation of this initiative. The implementation mechanism for the initiative was defined by

the State Commission, local and foreign companies engaged in extractive industries, NGOs acting in the field of increasing transparency in the extractive industries, subsequently leading to the signing of the Memorandum of Understanding on the Implementation of the Initiative in 2004. Azerbaijan was granted a status of the candidate in 2007 and was designated as EITI compliant in 2009. The State Oil Fund was rewarded with the UN Public Service Award for its achievements in the area of Raising Transparency, Accountability and Responsibility in 2007. In 2009, the EITI award was also conferred on Azerbaijan.

### **Cooperation with the civil society and ensuring public participation**

NGOs' participation was ensured through their active involvement with the work of the working groups under the Commission on Combating Corruption of the Republic of Azerbaijan. The Information Network of Anti-Corruption NGOs was set up in 2005. The Commission on Combating Corruption joined the Network as a party. The Network has held public hearings on each of the draft legislation on increasing transparency and combating corruption. The Multi-stakeholder Coalition for Increasing Transparency in the Extractive Industries was set up in 2004, for the purpose of implementing the initiative.

### **The following measures are planned in the area of raising transparency and open government:**

#### **1. Facilitation of access to information**

##### **Actions and indicators of implementation:**

**1.1.** Designation of the employees in charge of the access to information, adoption of the internal rules on freedom of information and awareness raising by public institutions.

**Implementation:** central and local executive authorities in 2012-2014.

**1.2.** Comprehensive training for responsible civil servants in order to ensure freedom of information.

**Implementation:** central and local executive authorities in 2012-2014.

**1.3.** Improvement of the structure of the Office of the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in line with its role of overseeing the implementation of the Law on the Right to Obtain Information, specialized training of the relevant employees.

**Implementation:** Commissioner for Human Rights (Ombudsman) in 2013-2014.

## **2. On-going publicity of the state institutions activity**

### **Actions and indicators of implementation:**

**2.1.** Up-loading and updating of information on their activity at their respective websites

**Implementation:** central and local executive authorities on on-going basis.

**2.2.** Composition of the annual reports and their uploading to the websites.

**Implementation:** central and local executive authorities in 2012-2015.

**2.3.** Holding of press conferences and other direct public communication events about their performance by state institutions.

**Implementation:** central and local executive authorities in 2012-2015.

**2.4.** Dissemination of reader-friendly versions of the legislation regulating the activity of the state institution, developed guiding principles.

**Implementation:** central and local executive authorities on on-going basis.

**2.5.** Development of the internet resources dedicated to the areas covered by the state programs.

**Implementation:** central and local executive authorities in 2012-2015.



**2.6.** Identification of a common template and minimum criteria to be met by the websites of the state authorities in accordance with modern standards.

**Implementation:** Cabinet of Ministers, Special State Protection Service, Ministry of Communication and Information Technologies, Commission on Combating Corruption in 2013.

**2.7.** Inclusion of the information on measures taken in order to promote open government and combating corruption in the reports of the Cabinet of Ministers of the Republic of Azerbaijan to the Parliament of the Republic of Azerbaijan.

**Implementation:** Cabinet of Ministers in 2012-2015.

### **3. Improvement of the Central Legislative Electronic Database**

#### **Actions and indicators of implementation:**

**3.1.** Regular updating and ensuring operating state of the State Register for Legislation of the Republic of Azerbaijan, as the official legal citation source.

**Implementation:** Ministry of Justice on on-going basis.

### **4. Enlargement of the public participation in the activity of the state institutions**

#### **Actions and indicators of implementation:**

**4.1.** Involvement of the civil society representatives in the elaboration of draft legislation of public interest, organization of public hearings by state institutions.

**Implementation:** central and local executive authorities on on-going basis.

**4.2.** Establishment of the appropriate councils or cooperation networks with a view to improve interaction with the civil society by state institutions rendering public services.

**Implementation:** central and local executive authorities in 2012-2013.

**4.3.** Usage of websites as means of involving the public in decision-making process on matters of public concern (reception

of comments and proposals of citizens, organization of discussions, development of the questions-answers sections, etc.).

**Implementation:** central and local executive authorities on on-going basis.

**4.4.** Organization of the Open-Door forums by state institutions.

**Implementation:** central and local executive authorities on on-going basis.

## **5. Improvement of e-services**

### **Actions and indicators of implementation:**

**5.1.** Evaluation of the e-services and public disclosure of its results.

**Implementation:** Ministry of Communications and IT, Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan on on-going basis.

**5.2.** Public presentation on e-services rendered by state institutions within their area of activity, at least once a year.

**Implementation:** central and local executive authorities in 2013-2015.

**5.3.** Establishment of the unified system in order to ensure electronic information exchange between state institutions.

**Implementation:** Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan, Ministry of Communications and IT, Special State Security Service in 2013-2014.

**5.4.** Improvement of electronic payment of fees, taxes, administrative fines, utility costs and other administrative dues.

**Implementation:** Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan in 2013-2014.

**5.5.** Implementation of measures facilitating access to e-services in the regions.

**Implementation:** central and local executive authorities, Citizen Services and Social Innovations State Agency with the President of the Republic of Azerbaijan, Ministry of Communications and IT, Special State Security Service in 2013-2014.

## **6. Increase of transparency in state financial control (SFC) institutions**

### **Actions and indicators of implementation:**

**6.1.** Delineation of powers of the SFC institutions and development of draft legislation providing for improved legal basis for the state financial control.

**Implementation:** Cabinet of Ministers, Chamber of Accounts, Ministry of Finance and Tax Ministry in 2013-2014.

**6.2.** Enhancement of accountability of SFC institutions and disclosure of the results of the financial examinations, analyses and statistical data to the public.

**Implementation:** Cabinet of Ministers, Chamber of Accounts, Ministry of Finance and Tax Ministry in 2013-2015.

**6.3.** Application of the IT in the SFC area and elaboration of the E-Control system.

**Implementation:** Cabinet of Ministers, Chamber of Accounts, Ministry of Finance and Tax Ministry in 2013-2014.

**6.4.** Organization of the mutual activity between SFC institutions, establishment of the SFC Central Database, development of the electronic data-exchange.

**Implementation:** Cabinet of Ministers, Chamber of Accounts, Ministry of Finance and Tax Ministry in 2013-2014.

**6.5.** Improvement of the mechanism of control over the publication of the financial reports, drawn by the state institutions in accordance with the International Standards of Financial Reporting or National Accounting Standards, along with the auditor's report.

**Implementation:** Cabinet of Ministers, Chamber of Accounts and Tax Ministry in 2013-2014.

**6.6.** Development of proposals on the mechanism and procedure of oversight over the drafting and execution of local budget, including correspondence of the expenditures to the approved budget indicators, as well as the local municipality financial reports.

**Implementation:** Ministry of Justice, Ministry of Finance and Chamber of Accounts in 2013.

**6.7.** Publication of the reports on the implementation of state budget and the relevant legislation drafts prior to referral to the Parliament of the Republic of Azerbaijan.

**Implementation:** Cabinet of Ministers and Ministry of Finance in 2013-2015.

## **7. Increase in transparency of tax control and examination**

### **Actions and indicators of implementation:**

**7.1.** Provision of necessary information to and awareness raising of tax-payers.

**Implementation:** Tax Ministry in 2012-2014.

**7.2.** Execution of measures in order to align the activity of the Tax institutions with the IMF Code of Best Practice on Tax Transparency.

**Implementation:** Tax Ministry in 2012-2013.

**7.3.** Execution of measures in order to improve electronic payment of taxes and other mandatory payments.

**Implementation:** Tax Ministry in 2012-2013.

## **8. Increase of transparency in extractive industries**

### **Actions and indicators of implementation:**

**8.1.** Continuation of cooperation by the Government of the Republic of Azerbaijan with the local and foreign companies engaged in extractive industries, civil society institutions in order to ensure continuing implementation and development of the Extractive Industries Transparency Initiative in Azerbaijan.

**Implementation:** State Oil Fund in 2012-2015.

**8.2.** Continuation of the disclosure to public of the information on cumulative incomes obtained by the Government of the Republic of Azerbaijan from the extractive industries.

**Implementation:** State Oil Fund in 2012-2015.

**8.3.** Disclosure of the annual reports of the implementation of the Extractive Industries Transparency Initiative in Azerbaijan.

**Implementation:** State Oil Fund in 2012-2015.

## **9. Awareness-raising and cooperation in the field of OGI Actions and indicators of implementation:**

**9.1.** Evaluation of implementation of the Action Plan and disclosure to the public of its results on annual basis.

**Implementation:** Commission on Combating Corruption in 2012-2015.

**9.2.** Publication and dissemination among the public of the educational material on Open Government Initiative.

**Implementation:** Commission on Combating Corruption, Cabinet of Ministers and central and local executive authorities on ongoing basis.

**9.3.** Continuation of measures within the framework of implementation of commitments before Open Government Partnership.

**Implementation:** Cabinet of Ministers, central and local executive authorities and Commission on Combating Corruption in 2012-2015.

**9.4.** Provision of the financial support to the civil society institutions for the implementation of the measures foreseen in the Action Plan.

**Implementation:** Cabinet of Ministers, central and local executive authorities, Council for the State Support of the NGOs with the President of the Republic of Azerbaijan and Commission on Combating Corruption in 2012-2015.

**ATTACHMENT 2**  
**Actions and sub-actions of the National Action Plan**

<b>№</b>	<b>Areas of activities (commitments)</b>	<b>Actions</b>	<b>Sub-actions</b>
1	Facilitation of access to information	3	4
2	On-going publicity of the state institutions activity	7	2
3	Improvement of the Central Legislative Electronic Database	1	2
4	Enlargement of the public participation in the activity of the state institutions	4	-
5	Improvement of e-services	5	2
6	Increase of transparency in state financial control (SFC) institutions	7	4
7	Increase in transparency of tax control and examination	3	
8	Increase of transparency in extractive industries	3	
9	Awareness-raising and cooperation in the field of OGI	4	2
<b>Total:</b>		<b>37</b>	<b>16</b>

### **ATTACHMENT 3**

#### **The list of monitored central and local executive authorities**

1. State Customs Committee of the Republic of Azerbaijan
2. State Statistics Committee of the Republic of Azerbaijan
3. State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan
4. State Committee for Refugees and IDPs of the Republic of Azerbaijan
5. State Committee for Property Issues of the Republic of Azerbaijan
6. State Committee for Standardization, Metrology and Patents of the Republic of Azerbaijan
7. State Committee for Work with Religious Organizations of the Republic of Azerbaijan
8. State Committee for Work with Diaspora of the Republic of Azerbaijan
9. State Committee for Land and Cartography of the Republic of Azerbaijan
10. State Committee for Securities of the Republic of Azerbaijan
11. State Committee for City Building and Architecture of the Republic of Azerbaijan
12. Chamber of Accounts of the Republic of Azerbaijan
13. Chamber of Auditors of the Republic of Azerbaijan
14. Central Election Commission of the Republic of Azerbaijan
15. State Commission for Student Admission of the Republic of Azerbaijan
16. State Civil Service Commission of the Republic of Azerbaijan
17. Special State Protection Service of the Republic of Azerbaijan
18. State Migration Service of the Republic of Azerbaijan

19. State Agency for Public Procurements of the Republic of Azerbaijan
20. Copyright Agency of the Republic of Azerbaijan
21. State Service for Public Service and Social Innovations of the Republic of Azerbaijan
22. State Social Protection Fund of the Republic of Azerbaijan
23. State Oil Fund (SOFAZ) of the Republic of Azerbaijan
24. Central Bank of the Republic of Azerbaijan
25. Financial Monitoring Service at the Central Bank of the Republic of Azerbaijan
26. Office of the Commissioner for Human Rights of the Republic of Azerbaijan
27. Ministry of Internal Affairs of the Republic of Azerbaijan
28. Ministry of Ecology and Natural Resources of the Republic of Azerbaijan
29. Ministry of Youth and Sports of the Republic of Azerbaijan
30. Ministry of Labour and Social Protection of the Republic of Azerbaijan
31. Ministry of Justice of the Republic of Azerbaijan
32. Ministry of Economy and Industry of the Republic of Azerbaijan
33. Ministry of Foreign Affairs of the Republic of Azerbaijan
34. Ministry of Taxes of the Republic of Azerbaijan
35. Ministry of Education of the Republic of Azerbaijan
36. Ministry of Energy of the Republic of Azerbaijan
37. Ministry of Healthcare of the Republic of Azerbaijan
38. Ministry of Communication and High Technologies of the Republic of Azerbaijan



39. Ministry of Transportation of the Republic of Azerbaijan
40. Ministry of Culture and Tourism of the Republic of Azerbaijan
41. Ministry of Emergency Situations of the Republic of Azerbaijan
42. Ministry of Defense of the Republic of Azerbaijan
43. Ministry of National Security of the Republic of Azerbaijan
44. Ministry of Finances of the Republic of Azerbaijan
45. Ministry of Agriculture of the Republic of Azerbaijan
46. State Service for Mobilization and Conscription of the Republic of Azerbaijan
47. Intelligent Transport Management Centre at the Ministry of Transportation
48. Cabinet of Ministers of the Republic of Azerbaijan
49. Absheron District Executive Authority
50. Gobustan District Executive Authority
51. Astara District Executive Authority
52. Baku City Executive Authority
53. Binagadi District Executive Authority
54. Garadagh District Executive Authority
55. Khazar District Executive Authority
55. Khatai District Executive Authority
57. Narimanov District Executive Authority
58. Nasimi District Executive Authority
59. Nizami District Executive Authority
60. Sabunchu District Executive Authority
61. Sabail District Executive Authority
62. Surakhany District Executive Authority

63. Yasamal District Executive Authority
64. Sumgait City Executive Authority
65. Naftalan City Executive Authority
66. Ganja City Executive Authority
67. Shamkir District Executive Authority
68. Gazakh District Executive Authority
69. Dashkasan District Executive Authority
70. Tovuz District Executive Authority
71. Shamakhy District Executive Authority
72. Gabala District Executive Authority
73. Shaki District Executive Authority
74. Zagatala District Executive Authority
75. Lankaran District Executive Authority
76. Jalilabad District Executive Authority
77. Astara District Executive Authority
78. Guba District Executive Authority
79. Siyazan District Executive Authority
80. Gusar District Executive Authority
81. Khachmaz District Executive Authority
82. Yevlakh City Executive Authority
83. Mingachevir City Executive Authority
84. Barda District Executive Authority
85. Shirvan City Executive Authority
86. Ujar District Executive Authority
87. Sabirabad District Executive Authority

88. Beylagan District Executive Authority
89. İmişli District Executive Authority
90. Hajigabul District Executive Authority
91. Goranboy District Executive Authority
92. Tartar District Executive Authority
93. Fuzuli District Executive Authority
94. İsmayilli District Executive Authority

## ATTACHMENT 4

### The results of assessment of monitored areas

	<i>Maximum possible</i>	<i>Actual</i>	<i>Maximum score Higher than average</i>	<i>average</i>	<i>Lower than average</i>	<i>Minimum score</i>	<i>Implementation timetable</i>
1.1.1.	3	2	1				2012-14
1.1.2.	3	2	1				2012-14
1.2.1.	3	2	1				12-14
1.3.1.	3	1			1		2013-14
1.3.2.	3	0				1	2013-14
2.1.1.	3	2	1				on-going
2.2.1.	3	2	1				2012-15
2.3.1.	3	3	1				2012-15
2.4.1.	2	1			1		on-going
2.4.2.	3	1			1		on-going
2.5.1.	3	2	1				2012-14
2.6.1.	1	0	1				2013
2.7.1.	1	0				1	2012-15
4.1.1.	3	2	1				on-going
4.2.1	2	1			1		2012-13
4.3.1.	3	2	1				on-going
4.4.1.	3	3	1				on-going
5.1.1.	2	2	1				on-going
5.1.2.	2	2	1				on-going
5.2.1.	3	2	1				2013-15
5.3.1.	2	2	1				2013-14
5.4.1.	2	2	1				2013-14
5.5.1.	3	2	1				2013-14

<b>8.1.1.</b>	2	2	1						2012-15
<b>8.2.1.</b>	2	1			1				2012-15
<b>8.3.1.</b>	2	2	1						2012-15
			<b>9</b>	<b>10</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	
								<b>6</b>	

## **ATTACHMENT 5**

*Approved by the decision number 11/7-27 dated 21 February 2014 of the Ministry of Labour and Social Protection.*

### **INTERNAL RULES on Freedom of Information of the Ministry of Labour and Social Protection**

#### **I. General provisions**

1.1. These Rules are prepared according to the Law on Obtaining Information and the Law on the Freedom of Information of the Republic of Azerbaijan and regulate internal rules on the freedom of information at the Ministry of Labour and Social Protection (hereafter: "the Ministry").

1.2. The Official in charge of the access to information in the Ministry is responsible for responding in time and with quality and according to the requirements of legislation and these Rules to the requests for information and queries sent by natural and legal persons and mass media (hereafter: "Requestor").

#### **II. The Official responsible for the freedom of information**

2.1. The Official responsible for the freedom of information is designated by the Minister of Labour and Social Protection of the Republic of Azerbaijan.

#### **III. Duties of the Official responsible for the freedom of information**

3.2. The Official responsible for the freedom of information in the Ministry should:

- 3.2.1. provide public information freely, in an unrestricted manner and equal conditions for everyone;
- 3.2.2. Ensure the response to the request for information in a timely manner and in the most appropriate way for the Requestor;
- 3.2.3. Protect the information classified by the law;
- 3.2.4. not provide false, incomplete or inaccurate information and should verify accuracy and reliability of the information in case of doubt;
- 3.2.5. regularly disclose information to the public by his or her initiative and within his or her scope of competences.

#### **IV. Provision of information.**

4.1. Information is provided according to the requirements of the Law on Obtaining Information and the Law on the Freedom of Information of the Republic of Azerbaijan.

#### **V. Types of requests for information**

5.1. Requests for information can be written or verbal, as well as through electronic mail or telephone.

5.2. Verbal requests for information should address directly the official in charge of the access to information with the Requestor presenting himself or herself, and as a rule, should receive verbal responses.

5.3. Written requests are prepared according to the rules and forms outlined in the Law on Obtaining Information of the Republic of Azerbaijan.

#### **VI. Procedure of information provision by the Official responsible for the freedom of information**

6.1. The Official in charge of the freedom of information can only provide information within the scope of his or her competences.

6.2. The request for information is carefully researched by the Official. It should be determined whether:

6.2.1. the request is prepared according to the requirements of the Law on Obtaining Information of the Republic of Azerbaijan;

6.2.2. the requested information is available in the database of the information owner;

6.2.3. the requested information, if available in the database, is open or restricted information;

6.2.4. the requested information is open information, but is the part of restricted information and whether it can be separated from the restricted information and provided to the Requestor;

6.2.5. the requested information is open and available in the database and whether it is possible to provide it in the requested form;

6.2.6. the requested information is open and available in the database and whether it is within the scope of competences of the Official responsible for the freedom of information.

6.3. The Official can make one of the following decisions according to the research results:

6.3.1. To provide information;

6.3.2. To provide information partially;

6.3.3. To refuse to provide information.

6.4. If the Official doesn't have the requested information or competences to provide such information, then he or she should help the Requestor by identifying the appropriate official person responsible for that information.

6.5. If the Official has competences to provide the requested information, then he or she should provide such information to the Requestor in the requested form. If the information cannot be provided in the requested form, then such information should be provided in another form with the consent of the Requestor.



## **VII. Refusal to the request for information**

7.1. The request for information can be refused in the following cases:

7.1.1. if the information is classified by the law or the Requestor doesn't have competences to request such information;

7.1.2. if the request is anonymous;

7.1.3. if the information owner doesn't have such information and is unable to identify the relevant information owner;

7.1.4. if it is not possible to identify what information is requested by the Requestor;

7.1.5. if the requested information is not within the scope of competences of the responsible official;

7.1.6. if the same information was provided to the same Requestor before, and the new request for the same information is not substantiated.

7.2. Refusal to respond to the request for information should be prepared clearly and reasonably with references to the relevant articles of the legislation.

## **VIII. Responsibility for violation of the Rules**

8.1. The Official responsible for the freedom of information will be held responsible for the unjustified refusal to provide information and the failure to provide timely and accurate information.