



Economic Research Center

## SHADOW REPORT

Implementation of Open Government Promotion National Action Plan 2012-2015, Assessing preparation and adoption of Open Government Promotion National Action Plan 2016-2018 on compliance with principles of Open Government Promotion

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*This document has been produced with the assistance of the European Union within the project “Partners in Empowerment”. The content of this document are the sole responsibility of the Economic Research Center in the PiE project and can in no way be taken to reflect the views of the European Union.*

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**Baku, December 2016**

**Acronyms**

**ERC** – Economic Research Center

**CCC**- Commission on Combating against Corruption of the Republic of Azerbaijan

**CISMP** - Centralized Information System on Mass Payments

**CoM** - Cabinet of Ministers

**NBG** - National Budget Group

**NAP**- National Action Plan

**NPP** - National Payment Portal

**MCIT** - Ministry of Communication and Information Technologies

**OGP** – Open Government Partnership

**SSPS** - Special State Protection Service

**FAQ** - Frequently Asked Questions

**WB** – World Bank

**Summary**

This report is comprised of two main parts: implementation of "National Action Plan (NAP) on Open Government Promotion in 2012-2015" and assessment of preparation and adoption of "National Action Plan on Open Government Promotion in 2016-2018" in compliance with principles of Open Government Partnership (OGP). During the preparation of the report, information enquiries were submitted to state agencies responsible for preparation and implementation of the NAP, their official internet portals were monitored, including search options of relevant websites were used. Along with this, focus group discussions and in-depth interviews were conducted with experts. It should be noted that 105 central and local executive agencies were involved in the monitoring process aimed at evaluating the implementation of the first NAP. The report addresses the alternative assessment of both NAPs. In the evaluation process of the first NAP, references were made to relevant annual reports of agency responsible for its implementation - Commission on Combating against Corruption of the Republic of Azerbaijan. During the development of the second part of this report, adoption and preparation of the second NAP was evaluated in compliance with the principles, rules, criteria and standards of the OGP. Besides, public participation opportunities, formation and activities of Government Civil Society Dialogue Platform were assessed against the requirements of the OGP. Additionally, the report also studied collaboration driven models on public participation in the field of development and implementation applied by world countries (UK, Canada, Indonesia, Georgia, Peru, Mexico and others) having successful experience in the OGP.

It is worth highlighting that there has not been any progress in the direction of facilitation on "information access", quite the contrary the situation had even worsened.

## **Report methodology**

The first section of this report (Evaluation of compliance on Open Government Promotion National Action Plan covering 2012-2015 years) has outlined the following methodology. The group of experts have carried out a separate and an overall assessment over implemented directions. In the course of evaluation process, the following ranking mechanisms were used to assess compliance with commitments:

- *Fully complied;*
- *Significant changes recorded;*
- *Limited progress;*
- *No progress recorded, or the situation worsened;*

Initially, viewpoints and the estimated number of NGOs involved in the preliminary assessment of NAP adoption and its implementation stage throughout the monitoring and consultations processes were considered. Additionally, the results of in-depth interviews were conducted among experts, and the findings from focus-groups discussions were applied during the evaluation process.

The following methodology was used while preparing the second part of the report (Assessing preparation and adoption of Open Government Promotion National Action Plan 2016-2018 on compliance with principles of Open Government Promotion):

- Number of discussions dedicated to the development of the research
- Quantity of NGOs involved in this process
- List of proposals and viewpoints put forward by the NGOs
- Number of approved proposals and viewpoints

A compliance between overall goals and activities were assessed aimed at exposing an aspiration level of the country.

## **Assessment of the implementation of Open Government Promotion**

### **National Action Plan 2012-2015**

Azerbaijan is one of the 70 countries joined to the Open Government Partnership when it was launched on September 20, 2011 at the 66th assembly of the United Nations General Assembly. By joining to this initiative, our country has conveyed its intention on enhancing open government promotion and transparency, contributing to an on-going exchange of best practices and participating in the international efforts led in this direction.

Consequently, "National Action Plan on Open Government Promotion in 2012-2015" and "National Action Plan on combating against corruption in 2012-2015" were approved with Presidential decree dating back to September 05, 2012. The document further outlines that the main objectives signing it were; i) ensuring sustainability of activities, improving normative legal database and institutional mechanisms, including aligning the actions of state and local

self-governance agencies with open government principles, increasing transparency and empowering public participation in the decision-making processes within the frames of "National Strategy on increasing transparency and combating against corruption" and eventually complying with international commitments taken by the Republic of Azerbaijan.

Additionally, central and local executive committee authorities were instructed to submit annual reports about the carried out activities within the frames of "National Action Plan on Open Government Promotion in 2012-2015" and "National Action Plan on Combating against Corruption in 2012-2015" to the Cabinet of Ministers (CoM) of the Republic of Azerbaijan and CCC by January 15 each year. They were also ordered to approve annual working plan for Action Plan and consequently present the adopted decisions to the CCC.

Similarly, President has instructed the CoM and the CCC to analyze a level of implementation of activities within the Action Plan on regular basis and submit the findings to the President of Azerbaijan Republic. CCC was also advised to integrate civil society institutions into the evaluation process on implementation of the Action Plan and regularly update the public about the activities realized in line with the Action Plan.

It should be underlined that the shadow report has made references to the CCC annual reports in order to assess compliance with commitments. Nevertheless, the researcher could not make references to the CoM as an alternative source purely due to the reason that the latter did not release any annual reports on the Action Plan activities. Also, the CoM did not demonstrate a systematic approach in editions of its annual reports, and annual summaries delivered before the Parliament. Thus, the Cabinet limited itself manifesting only sketchy and incoherent approach over this matter. Despite the fact that it has been already a year passed since the implementation of first NAP, the CCC did not disclose the final report, and therefore, the researcher could only refer to the 2014 report that was published in 2015.

"National Action Plan on Open Government Promotion 2012-2015" (NAP) aimed the fulfillment on 9 dimensions of government commitments:

- 1. Facilitating an access to the information;*
- 2. Updating the public regularly about the activities of state agencies;*
- 3. Improving a single digital database for normative legal acts;*
- 4. Increasing public integrity into the activities of state agencies;*
- 5. Enhancing digital (electronic) services;*
- 6. Increasing fiscal transparency in the work of financial agencies;*
- 7. Increasing transparency in tax control and inspection processes;*
- 8. Enhancing transparency in extractive industries areas;*
- 9. Implementing awareness-raising and coordination activities on promoting open government*

Thus, each dimension is comprised of several sub-dimensions. In general, the time-frame of 36 sub-directions are classified under "regular" and "specific" years depending on the characteristics of commitments. The NAP set out to finalize 5 sub-dimensions in 2013, the 12 sub-dimensions in 2014, and 12 of them in 2015. Additionally, 9 commitments shall be implemented on regular basis regardless of the time-lines set in the Action Plan.

1.Facilitation on information accession	
1.1	<p><b>Selection of responsible persons for Freedom of Information Advocates positions in the state agencies, adoption of internal regulatory rules on information freedom and awareness raising among the public</b></p> <p><b>Responsible state agencies:</b> Central and local executive committees– 2012-2014 years</p>
<p>This sub-dimension requires from the government to appoint Freedom of Information Advocates in all state agencies within more than 2 years timeframe. Additionally, it should develop a set of rules aimed at regulating their activities and inform the public accordingly. In this context, the government seeks to increase the number of commitments by including this component into the NAP. This stems from the requirements set at article 10, chapter II " Access to information" law of the Republic of Azerbaijan adopted in 2005. According to the law, data holder is obliged to grant equal rights to everyone to freely exercise their rights on information accession within the boundaries of the law and therefore, he or she should appoint responsible persons or designate structural department and provide information services. Moreover, the law clearly outlines that having no responsible persons on information services or absence of structural department do not release government from the responsibility to avoid providing information services. Due to the establishment of press service and public relation departments in all state agencies, and creation of internal regulations on information policy in majority of executive committees since 2005, an appointment of Freedom of Information Advocates and adoption of new internal procedures are reluctant actions undertaken purely for formality. The research findings have revealed that responsible persons for Freedom of Information Advocate positions are appointed as a chief of press service department almost in all state bodies and their job descriptions are nearly the same. The monitoring results showed that 45 ( 42.9 %) out of 105 central and local executive committee agencies have appointed Freedom of Information Advocates, whereas 41 agencies ( 39.1%) have internal regulatory procedures. The experts have come to the final conclusions that the implementation of this sub-dimension has not brought about any positive changes on information accession, and quite the contrary, it has worsened overall situation.</p> <p>The CCC who is a liable agency on the NAP implementation has indicated on its NAP 2014 report the followings:</p> <p>" The state agencies has complied with 80 % of the requirements, whereas 14 % implemented it partially and the remaining 6 % disregarded it. Thus, responsible persons have been appointed across all central executive committee agencies and in major local executive bodies. Besides, these entities have adopted internal regulatory procedures and the public has been informed about this via the official websites of respective state agencies"<sup>1</sup>.</p>	
<hr/> <p><sup>1</sup> <a href="http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf">http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf</a></p>	

1.2	<p align="center"><b>Comprehensive trainings aimed at ensuring information freedom for responsible persons from state agencies.</b></p> <p align="center"><b>Responsible agencies:</b> Central and local executive committees– 2012-2014 years</p>
<p>Although the results of the monitoring revealed the conduction of comprehensive trainings in the reports, press releases of the agencies and also through responses to official enquiries, however, it was not possible to obtain tangible materials (training agenda, training materials, photos, list of participants and others) during the monitoring stage .</p> <p>It should be highlighted that the CCC's report mentions 80 % of state agencies has fully complied with commitments under this sub-dimension, 16 % implemented partially, whereas 4 % did not implement it at all: "The specialized trainings reaching out to the needs of Freedom of Information Advocates were conducted by the central executive committee agencies and information about these activities have been regularly submitted to the Commission"<sup>2</sup>.</p>	
1.3	<p align="center"><b>Improvement of the structure of the office of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan aimed at complying with control mechanism requirements set within "Access to data" law of the Republic of Azerbaijan, and involvement its relevant employees to the specialized trainings</b></p> <p align="center"><b>Responsible state agency:</b> Human Rights Commissioner (Ombudsman) – 2013-2014 years</p>
<p>The law on "Access to Data" of the Republic of Azerbaijan was initially aiming to create a separate Commissioner Institute on Information Affairs to control the implementation of the law. The Commissioner is elected by a majority of votes of the Parliament from among three candidates nominated by the President. Nonetheless, these provisions were withdrawn from the law without the establishment of the Commissioner Institute on Information Affairs. Later in 2011, part of its responsibilities was given to the Human Rights Commissioner (Ombudsman)<sup>3</sup>. This has damaged the accountability principle of data holders. These changes necessitated to create a separate department under the Ombudsman office that will be liable to control compliance with law matters. Furthermore, it was planned to conduct specialized trainings for the employees of the department. Nevertheless, the department has not been set up until nowadays.</p> <p>The followings could be implied from the response of Ombudsman office to our enquiry as well as the excerpts from "Freedom about information accession" of the Annual 2012 Summary report<sup>4</sup> titled "Situation with protection and ensuring human rights and freedoms in Azerbaijan" of the Office of the Commissioner for Human Rights of the Republic of Azerbaijan: "The Commissioner who safeguards against violations of the responsibilities of state agencies holding data, local self-governance bodies and officials within " About information accession" law of the Republic of Azerbaijan has developed a draft project on job description, structure and terms of reference for employees of "Information</p>	

<sup>2</sup> Ibid

<sup>3</sup> <http://president.az/articles/2946>. The Constitutional Law of the Republic of Azerbaijan on amendments to the Constitution on "About the Human Rights Commissioner of the Republic of Azerbaijan"

<sup>4</sup> <http://www.ombudsman.gov.az/az/view/pages/59>

Access Relations Department". Along with this, relevant appeals presented to the Cabinet of Ministers on approval of staff number were positively assessed and the Ministry of Finance was instructed to finance and finalize this process back in 2012. However, the issue is still remaining unresolved. It should be emphasized that the annual reports of the Commissioner published since then do not touch upon the matter at all.

As coming to the second part of the commitment - conduction of specialized trainings for public servants from "Information Access Relations Department" - the Ombudsman Office reported that this training has been already realized. Nonetheless, the researcher could not acquire any data related to conduction of the trainings. On the other hand, a logical question emerges for whom then the trainings were conducted if the department has not been established yet and consequently the number of staff are not identified either.

Apart from this, neither Primer Minister's annual reports delivered before Parliament nor the CoM reports talk about the establishment of the department. Similarly, the experts were unable to clarify a rational behind the funds that are not allocated by the Ministry of Finance.

Despite the fact that there has not been any progress under this sub-dimension, however, the CCC's report says: " A set of activities were undertaken towards strengthening the structure the Office of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan, and the representatives of Ombudsman Office were involved in specialized trainings. Therefore, the requirements of this section were partially met."

#### **Evaluation**

The overall aim of these 3 sub-dimensions is to facilitate access to data. However, the experts did not observe the implementation of tangible activities aimed at improving the current situation. The agencies failed to comply with commitment on information accession by radically opening up government data for greater accountability during the reporting period. Similarly, the interests over political, economic, military, financial-loan and monetary policies were not guaranteed; protection of public rules, health and dignity, including ensuring rights and freedoms, commercial and economic interests of other persons were not ensured; the list of restricted information under the name of ensuring the reputation and impartiality of the court was expanded; accountability duties of data holders were eliminated and the complaint mechanism from data holders were adapted to their needs; last but not least a mechanism managing complaints was not created. In short, a compliance with the commitments was assessed as "*No progress or the situation has worsened*" by considering all above mentioned factors, including outcomes from the focus-group discussions with experts and in-depth interviews.

<b>2. Updating the public regularly about the activities of state agencies</b>	
<b>2.1</b>	<p><b>Post and update of information about the activities of state agencies on their official internet portals on regular basis</b></p> <p><b>Responsible state agencies:</b> Central and local executive committee– regularly</p>
<p>According to the legislation, central and local executive committee agencies ( data holders) should regularly update the public about their responsibilities in line with current law, and release the data within a set of timelines and defined rules enshrined in the legislation <sup>5</sup>. The conducted monitoring and observations during the reporting period have proved that stage agencies either do not disclose any information or if they do, then its content is useless and incomplete. The experts have come to the conclusion that only 10-12 % out of 105 state agencies involved in the monitoring performed as "unsatisfactory" due to posting information at their respective web portals. Particularly, local executive committees do not have aspirations to update information at the websites, and the existing data is more or less covering cultural areas with 3-5 sentence press releases.</p> <p>The data on spending of budgetary expenses is not available at the websites of any monitored state agencies.</p> <p>Although relevant report of the CCC on the current situation ranks this sub-dimension as "satisfactory", but the Committee has acknowledged certain problems in regard to local executive bodies: " The 90 percent of state agencies fully implemented this commitment, 6 percent partially, and 4 percent failed to do so. The data covering activities of central executive committees has been regularly updated and posted at their websites. Besides, information access was granted as well. However, the information posted at the web portals of local executive committee was incomplete. More importantly, the reports and other data that are of vital significance to the citizens are not written in detail and comprehensive manner<sup>6</sup>".</p>	
<b>2.2</b>	<p><b>Annual summaries of state agencies about their implemented activities and coverage at their web portals</b></p> <p><b>Responsible stage agencies:</b> Central and executive committee agencies – 2012-2015 years</p>
<p>The experts have revealed in the course of monitoring that majority of central executive committees do not prepare their annual summaries (reports) more in detail. In particular, they either do not publish any data about fiscal transactions at their reports or the disclosed data is vague. It should be also highlighted that "Reports" or "Annual Summaries" section was not considered while designing the websites of local executive committees. In general, a big part of state agencies that post information on annual summaries (reports) on implemented activities constitute roughly 25 %. Nevertheless, the CCC has assessed compliance with this commitment as 90%<sup>7</sup>.</p>	

<sup>5</sup> Law on "About information access" of Azerbaijan Republic . Article 10. Responsibilities of information owner.

<sup>6</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>.

<sup>7</sup> Ibid



2.3	<p><b>Press conferences on implemented activities of state agencies and events held in the format of direct interaction with public</b></p> <p><b>Responsible state agencies:</b> Central and local executive committee agencies – 2012-2015 years</p>
<p>It is commendable to come across the facts at the websites of state agencies, including on mass media and responses to the enquiries where the agencies delivered reports before public. However, there are still challenges on access to the text of reports. The state bodies do not publish reports delivered for public at their websites and they limit themselves providing only short information about the events. Besides, the experts could not obtain information whether there has been any announcement on planned report conferences, to what extent these events were open for public, and measure the level of activeness of population. This data is not accessible. It should be recognized that the situation in regard to local executive committees is quite disappointing. In best scenario, their reporting conferences were co-organized with ruling party, and the agenda of the event is usually determined in advance. Due to restrictions imposed over public the participation, the activeness of citizens were not visible. However, the CCC evaluated this commitment as 82 % at its reports<sup>8</sup>.</p>	
2.4	<p><b>Making legislative data and acts regulating activities of state agencies available in an open and reader-friendly manner, preparing guidelines and stimulating this information across citizens</b></p> <p><b>Responsible state agencies:</b> Central and local executive committee agencies – on regular basis</p>
<p>In response to the enquiries submitted during the monitoring period, the relevant state agencies noted they have developed reader-friendly versions of legislative acts that oversee their actions. However, findings of the research proved that only 6% of state agencies has made it easy for people understand legal information, but the others did not comply with this commitment. It is worth highlighting that the experts could not obtain any records that confirm the implementation of activities in the second part of the commitment (promotion of information among people). Similarly, local executive committees did not implement any activities in relation to taken commitments. Surprisingly, the CCC reported 65% of this commitment has been met<sup>9</sup>.</p>	
2.5	<p><b>Creation of internet portals covering the areas in the state programme</b></p> <p><b>Responsible state agencies:</b> Central executive committee agencies – 2012-2014 years</p>
<p>The creation of websites covering the areas in the state programme has been partially met, thereby the facts that the programmes have been published on the internet portals of relevant state agencies should be lauded. The data on implementation of these programmes has been posted with delays at the sites of relevant central executive committees, but from content vise it is "poor". Besides, state agencies regularly publish information on implementation of state programmes under a separate web portal. The number of such agencies constitute only 5-6 % of those engaged in the monitoring.</p> <p>The CCC believes 75% of state agencies have complied with this commitment<sup>10</sup>.</p>	

<sup>8</sup> Ibid

<sup>9</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>.

<sup>10</sup> Ibid

2.6	<p><b>Defining a single format of web portals of state agencies that will meet modern standards, and setting up minimum conditions</b></p> <p><b>Responsible stage agencies:</b> Cabinet of Ministers, Special State Protection Service, Ministry of Communication and Information Technology, Commission combat against the Corruption - 2013 year</p>
<p>"Requirements on creation and maintenance of internet data resources of state agencies" document has been approved with #189 decree of CoM, dating back to September 04, 2012.<sup>11</sup> The document sets out the requirements related to the language of internet data, publishing information as well as its acquisition, programme maintenance of internet information data, interaction between citizens, organizations and state agencies on mutual basis, including design of internet data resources and ensuring its activities, and protection of data.</p> <p>However, there is a need for enhancement of internet resources of state agencies. For instance, key setbacks at the websites of state bodies are lack of report menu and search engines.</p>	
2.7	<p><b>Promotion of Open Government in the annual reports of the Cabinet of Ministers of the Republic of Azerbaijan before the Parliament of Azerbaijan Republic and its report about the implemented deeds in the field of combat against corruption</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers -2012-2015 years</p>
<p>The report of CoM is usually published with limited editions and disseminated among members of parliament during the speech of Prime Minister in March of each year. Interestingly, the report is not published at the website of CoM and it can be only acquired through MPs by using close contacts. The research findings have proven that the reports delivered by Prime Minister before the Parliament at the beginning of each year (2013, 2014, 2015, 2016 years) did not talk about Promotion of Open Government.</p> <p>The final 2015 report of CoM does not contain section on Open Government, and " National Action Plan on combat against corruption for the years 2012-2015" as well. Thus, 12th section of the report ( "Compliance with commitments of major state programmes") limits itself to talk about the implementation of "The State Programme on socio-economic development of the regions of the Republic of Azerbaijan in 2014-2018", "The State Program on Poverty Reduction and Sustainable Development in the Republic of Azerbaijan for 2008-2015" and "The State Programme on Reliable Food Supply of Population in the Republic of Azerbaijan (2008–2015)" programmes.</p> <p>Surprisingly, the CCC report mentions that the annual reports of Cabinet of Ministers before Parliament include data on realized activities.<sup>12</sup></p>	
<b>Evaluation</b>	<p>The experts have separately assessed 7 sub-dimensions that fall under this dimension and analyzed the current level of disclosure of information by the state agencies through their websites, reports, publications and other relevant internet resources. Along with this, the experts have studied the results of focus-group discussions with experts and in-depth interviews and came to the final</p>

<sup>11</sup> <http://www.cabmin.gov.az/?/az/pressreliz/view/755>

<sup>12</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

	conclusion that the second dimension of NAP meets " <i>Limited progress</i> "
<b>3. Improving a single digital database for normative legal acts</b>	
<b>3.1</b>	<p><b>Regular update of electronic version of the State Register of Legal Acts of the Republic of Azerbaijan as being an official legal reference source and maintaining constantly its electronic database</b></p> <p><b>Responsible state agency:</b> Ministry of Justice – on regular basis</p>
<p>The Constitutional law on " Normative Legal Acts" has come into force on February 17, 2011. Thus, XIV chapter of the Constitutional Law embodies itself rules on integration of legal acts into the State Register of Legal Acts of the Republic of Azerbaijan, requisites of legal acts in the State Register, and eventually provisions about the structure of State Register.</p> <p>The Ministry of Justice was instructed to set up the State Register of Legal Acts of Azerbaijan Republic under Presidential decree No384 dating back to 16th February of 2011, and submit a draft statute on entry of legal acts into the State Register of Legal Acts to the President of the Republic of Azerbaijan.</p> <p>The draft statue was approved with No 463 Presidential decree on July 01, 2011. Furthermore, Ministry of Justice was instructed to ensure the launch of State Register of Legal Acts of the Republic of Azerbaijan in 1st November of 2011. The electronic version <a href="http://www.huquqiaktlar.gov.az">www.huquqiaktlar.gov.az</a> of the State Register of Legal Acts of Azerbaijan Republic has become functional since this date.</p> <p>The State Register is state data resources that contains adopted normative legal acts, normative acts, decisions of Parliament, decrees of President and CoM, including their requisites.</p> <p>The State Register is led by the Ministry of Justice. The agencies adopting legal acts are sending them to the Ministry of Justice after three days of their adoption on a request to enter into the State Register. The other website, <a href="http://www.e-qanun.gov.az">www.e-qanun.gov.az</a>, of the Ministry of Justice also contain state register of legal acts.</p>	
<b>Evaluation</b>	The results of the monitoring and assessment of experts " <i>Fully completed</i> "
<b>4. Increasing public integrity in the activities of state agencies</b>	
<b>4.1</b>	<p><b>Integration of civil society representatives in the preparation of draft laws by the state agencies that has public importance, and conduction public hearings</b></p> <p><b>Responsible state agency:</b> Central executive committee authorities – regular basis</p>
<p>The legislation framework on ensuring the participation of public in the activities of state agencies has been formed much later than the launch of NAP in 2012. Although the law on "Public participation" has been adopted on November 22, 2013, however, it has entered into force since 1st of June in 2014. This law has identified "public discussion on draft legal acts" as one of the forms of public participation for the first time<sup>13</sup>. According to the law, public hearings and public discussions</p>	

<sup>13</sup> Law on "Public participation" of the Republic of Azerbaijan. Article 5. Forms of public participation

of draft laws submitted to Parliament of the Republic of Azerbaijan are organized by the Secretariat of the Parliament. Furthermore, the Secretariat of Parliament allocates a special section on its official website in order to organize public hearing and public discussion, and within 3 days from being sent to a relevant committee, places all draft laws registered by the Secretariat on the special section of the website of Parliament. Additionally, the Secretariat is responsible to publish the text of the draft law along with the following information on the special section of the website of Parliament: information about the initiator of the draft law; the registration number of the draft law; the committee(s) to which it has been sent; the schedule and venue of public hearings, as well as the duration and rules for conducting public discussion; the rules for submitting of opinions, remarks, and proposals; and the duration and results of consideration. The law also mentions that public hearings and public discussions on draft legal acts developed by central and local executive authorities and local self-government bodies are conducted according to the rules defined by the CoM. It should be noted that the rules about "Public hearings and public discussions on draft legal acts developed by central and local executive authorities and local self-government bodies" were adopted with No 172 decision of CoM on May 30, 2014.

The rule specify that public hearings and public discussions on draft legal acts is developed by respective central executive bodies are organized by relevant departments who prepared those draft documents with participation of legal services of state agencies. Given this, relevant agency is responsible for creation of special section in its website, and ensuring navigation to "e-government" portal. Additionally, central executive bodies should post draft normative legal acts in the special section of their official website as well as "e-government" in order to agree them with relevant agencies. State agencies should ensure the preparation of draft law no later than 60 days to enable civil society institutions, ordinary citizens, specialists and experts alike to provide opinions, remarks and proposals. Besides, the development of draft normative legal acts shall be available for 3 months, unless other term is stipulated under legislation. And these agencies are responsible to make available these drafts on the special section of their official websites within 10 days.

The sites of central executive authorities should contain not only draft normative legal acts, but also the aim of its adoption for implementation of Presidential act, timelines for public hearings and locations, including duration and procedures of conduction of public discussions, the rules on presenting opinions, remarks, and proposals; and the duration and results of consideration.

The final document on draft legal acts of central executive authorities should be adopted as a summary from public hearing by reflecting key comments, opinions and proposals delivered at the hearing.

During the monitoring, the researcher did not come across any state agency that has involved civil society representatives in preparation phase of draft laws. Although some bodies have had arranged these discussions via online means, however, they did not provide data in regard to the outcomes of discussions, statistics of voiced proposals and list of adopted ones. It should be emphasized that other state agencies had sections on their official websites, but they did not publish any draft legislations in there.

The CCC has rated this sub-direction as 56 %<sup>14</sup>

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<sup>14</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

4.2	<p align="center"><b>Creation of relevant public councils or cooperation networks aimed at improving synergies between state agencies providing services to people and civil society institutions</b></p> <p align="center"><b>Responsible state agencies:</b> Central and local executive agencies – 2012-2013 years</p>
<p>A cooperation council to be established under this sub-dimension was initially planned as public councils within "Public participation" law. Public councils were established with initiatives put forward by heads of state agencies within the terms shown in NAP. The selection was realized based on different criteria, of which public council members were appointed rather than elected. Thus, CoM has approved the statute on "Election of public council by civil society institutions" on May 30, 2014. Regrettably, public councils formed to date have disregarded requirements set within the Statute. The monitoring results showed that 8 central and 2 local executive agencies out of 105 have public councils. In short, the research findings revealed that there has not been any significant progress on implementation of the sub-direction purely due to the following reasons: i) in accordance to the relevant legislation, creation of public councils falls under the authority of state agencies; ii) the list of central executive committees responsible for establishment of public councils has not been approved by the President; iii) Independent civil society institutions are weakened through increased pressures against them in the last 3 years.</p> <p>Nevertheless, the CCC claimed in its report that relevant cooperation councils have been formed within 48% of state agencies<sup>15</sup>.</p>	
4.3	<p align="center"><b>Increasing public integrity into decision-making process that is of public importance through using digital pages ( adoption of opinions and proposals from citizens, arrangement of debates, interactive question &amp; answer sessions, etc.)</b></p> <p align="center"><b>Responsible state agencies:</b> central and local executive committees – on regular basis</p>
<p>The official web pages of all central and local executive committees are equipped with full technical capacities to receive appeals and proposals, conduct discussions and respond online enquiries. Besides, majority central executive authorities has so called "Frequently Asked Questions" (FAQ) section that responds to the questions related to their activities. In fact, some central executive agencies use the FAQ platform for the sake of ranking, and others set aside amendments made to the legislations and did not respond questions on timely manner. Fortunately, the number of such bodies is less. In short, 31 (77.5 %) out of 40 central executive authorities engaged in the monitoring used digital space for responding online enquiries, and embracing proposals and comments submitted by citizens. As coming to local executive agencies, only 7 (10.8%) out of 56 utilized their official web pages for increasing public participation, whereas the remaining authorities were applying digital appeals and other technical means for rating purposes.</p> <p>It is worth highlighting that Azerbaijan President issued decreed on "Establishment of a unified electronic information system for the appeals of citizens to the local government authorities" in April 29th of 2015 that instructed the Presidential Administration of the Republic of Azerbaijan together</p>	

<sup>15</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

with the Ministry of Communication and High Technologies to create information system based on digital registration programme of appeals of citizens. The authorities were required to ensure the implementation of the system by July 01, 2015.

Local executive committee authorities are required to take certain measures on safeguarding accuracy, integrity and reliability of data to be installed into the information system. Besides, the agencies shall ensure the flow, usage and security of information system. They are also responsible for purchase of technical facilities to apply information system and creating enabling working environment<sup>16</sup>.

The CCC report has rated the implementation of this sub-direction at 85%.

4.4	<p style="text-align: center;"><b>Conduction of "Open Door" civil forums by state agencies</b></p> <p style="text-align: center;"><b>Responsible state agencies:</b></p> <p style="text-align: center;">Central and local executive committee agencies – on regular basis</p>
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"Open Door" civil forums have been organized at 92 out of 105 state agencies (87.6%) involved to the monitoring. The data on this can be found at the reports, annual summaries, news outlets, responses to official enquiries and other digital sources. However, monitoring group has uncertainties over the quality of civil forums. In most cases, agenda is not published before the forums, rights of interested groups to freely attend forums are not guaranteed, and enabling environment to freely express thoughts and opinions of participants are not ensured. It should be mentioned that the monitoring group has a source of information about the list of persons who were identified in advance to attend the forums.

<b>Evaluation</b>	<p>According to the final assessment of monitoring group, the deeds carried out to increase public integrity in the activities of state agencies were not sufficient. Similarly, there were delays on compliance with the commitments, and the legislative database was out-dated and incomplete. The implementation of commitments under this direction has direct links with facilitation of information accession and regular update of public on activities of state agencies. Because it would be impossible to ensure public participation without publishing information by data holders (state agencies) as well as disregarding commitments on information accession. A slowdown of formation of an advisory council (public council), advanced form of public participation, comprised of civil society representatives under the state agencies, and refusing to act in accordance with the requirements of legislations on forming the councils are indicators of the absence of public participation mechanisms in the country. Therefore, the implementation of this commitment is assessed with "<b>Limited progress</b>".</p>
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<sup>16</sup> <http://www.president.az/articles/14960>

<b>5. Enhancement of electronic services</b>	
<b>5.1</b>	<p><b>Assessment of e-services and public disclosure of the results</b></p> <p><b>Responsible state agencies:</b> Ministry of Communication and Information Technologies, State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan– on regular basis</p>
<p>The State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan has approved " Rules on assessment and arrangement of electronic services at the state agencies" and published these rules at its official website<sup>17</sup>. Along with this, the Agency has posted reports about its evaluation conducted in central executive committees on its official website each year. The Ministry of Communication and High Technologies (MCHT) has published the statistical results of electronic services provided by state agencies in the form of monthly bulletins on its internet portal. According to the information provided by the Ministry, bulletins were published and disseminated among public.</p> <p>The CCC report mentions: " State Agency for Public Service and Social Innovations near the President of the Republic of Azerbaijan has evaluated 438 electronic services of 42 state bodies within the frames of management of e-service and maintained public disclosure of the results. E-services have been analyzed under "Digitalization and connectivity level", "Openness of information and level of logging" and "level of ease of use" criteria. Reviews have been prepared for every state body regarding the current situation on management of e-services, shortcomings were noted and suggestions were given to every state body for the elimination of deficiencies and better quality of services. Currently measures are being taken to improve special program software of evaluation by the Agency and carry out evaluation of through improved program software in 2015".<sup>18</sup></p>	
<b>5.2</b>	<p><b>Public presentations on e-services rendered by state institutions in accordance with their authority not less than once a year</b></p> <p><b>Responsible state agencies:</b> Central executive committees: 2013-2015 years</p>
<p>There was progress in delivery of public presentations on e-services provided by central executive committees. In spite of the fact that only 1 central executive committee (Ministry of Economic Development) has delivered the presentations during the first year of the reporting period, however, their number reached to 23 in 2015. As it can be seen, conduction of public presentations were not enough and did not reach out to all central executive authorities.</p> <p>Nevertheless, the CCC reported that the requirements of this provision were implemented fully by 65% of the state authorities<sup>19</sup>.</p>	

<sup>17</sup> <http://www.asan.gov.az/az/content/view/349/2427>

<sup>18</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

<sup>19</sup> Ibid.



5.3	<p><b>Creation of a single system on electronic data interchange across state agencies</b></p> <p><b>Responsible state agencies:</b> State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, Ministry of Communication and Information Technologies, Special State Protection Service – 2013-2014 years</p>
<p>The Ministry of Communication and Information Technologies (MCIT) established " State Information System on Digital Government" in 2013. During this period, 39 state bodies have joined to www.e-gov.az portal. Similarly, Special State Protection Service (SSPS) of Azerbaijan Republic has set up speedy (10 Gb/sec) " İPMPLS" system over DWDM network among cross-government in order to safeguard against threats on secure data interchange. According to the official information from SSPS, currently cross-government data exchange are being realized via this network and certain actions are underway to expand the system. The process of joining state agencies to this portal is continuing on regular basis. The quantity of approved e-services constitute 446, and 296 out of them have been already integrated into the system. A total number of e-services registered in portal are 374<sup>20</sup>.</p> <p>Although www.e-gov.az "electronic government" portal was established in order to ensure cross-government data interchange and enable citizens to access "A single-window", however, some state agencies have not joined to the system yet. Additionally, electronic document management process across state agencies via a single window is not finalized</p> <p>The report of CCC has stated that the usage of eservices in 2014 reached to 5.8 million, whereas the number of users in portal exceeded 1,1 million person<sup>21</sup>.</p>	
5.4	<p><b>Improvement of electronic payment of fees, taxes, administrative fines, utility bills and other administrative dues</b></p> <p><b>Responsible state agencies:</b> Central executive committees, State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan– 2013-2014 years</p>
<p>The State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan has received e-payment on notarial services from the following agencies in 2013: a) Ministry of Internal Affairs - 8; b) State Committee on Property Issues-3; c) Ministry of Taxes-4; d) National Archive Department - 1; e) State Migration Service-7; f) Ministry of Justice-10; g) State Committee for Land and Cartography -1; h) State Social Protection Fund-1. Furthermore, 39 types of other notarial payments were made to the Agency.</p> <p>In accordance with the implementation of this provision, the National Payment Portal (NPP) was established by the Central Bank. A new component of NPP - Centralized Information System on Mass Payments (CISMP) was created as well. Key point of the system was to create a centralized e-subscriber base on utility and other mass service entities operating in the country, create facilities for these subscribers to find out their debts at any payment point of financial entities integrated to the system, make payments through up-to-date payment mechanisms and increase</p>	

<sup>20</sup> [http://www.mincom.gov.az/assets/Uploads/bulleten%2022\\_portala.pdf](http://www.mincom.gov.az/assets/Uploads/bulleten%2022_portala.pdf)

<sup>21</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>



<p>transparency.</p> <p>The CCC report states that the capacity of www.asanpay.az which has been already put into practice for citizens is planned to be expanded in 2015. In the future, "electron money wallet" and "digital/mobile banking" services will be launched through improving payment methods<sup>22</sup>.</p>	
5.5	<p><b>Implementation of measures to facilitate access to e-services in the regions</b></p> <p><b>Responsible state agencies:</b> central executive authorities, State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, Ministry of Communication and Information Technologies – 2013-2014 years</p>
<p>In the first years of NAP, Ministry of Communication and High Technologies has prepared draft document on "Development of telecommunication and broadband internet". Thus, paragraph 3.6 of Presidential decree on " Budget of State Oil Fund of Azerbaijan Republic for 2013" has allocated funds for this purpose. Afterwards, the State Programme was developed and it was discussed across relevant bodies. The project aims to stimulate access to high-speed broadband internet and other modern telecommunication services over fiber-optic cable network in each settlement throughout the country. It also seeks to connect remote rural settlements an estimated 30 Mbit/s, and cities with 100 Mbit/s, and boost the overall number of broadband internet users up to 85 %. Nevertheless, the project was failed to be implemented. "AzerPost Ltd." has established internet kiosks with broadband internet access in post offices at 30 remote villages. Moreover, the activity of self-service kiosks in Sumgayit, Barda and Ganja "ASAN service" centers was maintained by State Agency for Public Services and Social Innovations near the President of the Republic of Azerbaijan and interactive kiosks were established. The city centers functioning under telecommunication hubs were also connected to the internet.</p> <p>The Commission notes that the local executive authorities were advised to focus in this area and set up interactive kiosks for public use in the administrative buildings of the state authorities and other public spots<sup>23</sup>.</p>	
<b>Evaluation</b>	<p>The improvement of electronic services, in comparison to other directions of NAP, is relatively in a better position. However, there were delays in carrying out the commitments set under this direction, and planned activities were not fully implemented. It is worth highlighting that connecting people to the speedy internet via fiber-optic cables in the regions was not fully put into effect. Despite the fact that www.e-gov.az "electronic government" portal was established, however, some state bodies have not connected to the portal yet. Besides, the quality of services provided within the portal lags behind and e-document circulation across state agencies via "One-Stop Shop" is not finalized. Given all these implications, fulfillment of NAP's 5th dimension evaluated as <b><i>" Significant progress"</i></b></p>

<sup>22</sup> Ibid.

<sup>23</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

6. Increasing transparency in state financial control institutions	
6.1	<p><b>Delineation of powers of the state financial control (SFC) institutions and development of draft legislation to provide improved legal basis for the state financial control</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes - 2013-2014 years</p> <p>The 2014 report of Chamber of Accounts implies the following: " In order to fulfill 6.1 clause of the Action Plan, the legislation database regulating similar problems of foreign countries was studied, and the draft law on "State financial control" is about to be finalized jointly with the Ministry of Finance. The law embodies itself state financial control system, interaction and coordination across state financial control agencies, and provisions in regard to the accountability of these entities."<sup>24</sup></p> <p>Collegium of the Ministry of Finance has adopted 2 decisions, "Q-07" and "Q-21" respectively on improvement of activities of State Financial Control Service:1) "Rules on planning and conduct of control measures by State Financial Control Service of the Ministry of Finance and validation of results" dating back to February 15, 2013; and 2) "Methodical recommendations on inspection of control objects through random sampling of questions and diverse fields during conduct of control measures by State Financial Control Service of the Ministry of Finance" dating to August 23, 2013.<sup>25</sup></p> <p>Although Ministry of Finance has submitted the law on "Financial control" to CoM, the commitment on delineation of powers of the state financial control and creation of advanced legal database was not fulfilled due to the reason that the law was not discussed in the Parliament.</p> <p>According to the CCC report, "In order to ensure the implementation of this provision, a draft law (on the State Financial Control) was developed by Ministry of Finance of the Republic of Azerbaijan by studying international best practices through research and analyzes. The proposals made on draft law by relevant state authorities have been presented to Cabinets of Ministers. The draft law covers provisions detailing duties and functions, as well as rights and powers of the state financial control institutions"<sup>26</sup>.</p>

<sup>24</sup> <http://sai.gov.az/upload/files/h2014.pdf>

<sup>25</sup> <http://maliyye.gov.az/node/1680>

<sup>26</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

6.2	<p><b>Increasing of accountability of SFC institutions and disclosure of the results of the financial inspections, analyses and statistical data to the public</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes - 2013-2015 years</p>
	<p>The Ministry of Taxes while talking about its commitments in NAP report has declared that it has fulfilled the following activities: "Regular coverage of analysis and statistical data on tax control measures at mass media outlets; disclosure of reports and statistical data about implemented activities by the Ministry of Taxes during the reporting period aimed at informing the public and increasing transparency, measures to combat against tax offences, monthly results of operative tax control measures, outcomes of completed on-site tax inspections, results of quarterly control measures conducted on collection of tax debts and enrollment of properties of indebted taxpayers, appeals submitted to executive committee authorities by tax agencies, and data on court decisions restricting the rights of indebted physical persons to leave the country, including the list of indebted taxpayers were submitted to print and online media outlets in the form of press-releases. Additionally, the report says that interviews with heads of relevant structures of the Ministry who fulfill tax control mechanisms were conducted each year and presented to mass media, TVs, print media and online media outlets as well. <sup>27</sup>"</p> <p>Apart from this, Chamber of Accounts for the first time has published about fulfilled activities on its official website with coverage of mass media.<sup>28</sup> Thus, Chamber of Accounts has continued the similar activities in 2015, and raised awareness by updating its internet portal accordingly.<sup>29</sup> Despite the fact that responsible state agencies released statistical data, information, analysis, and reports for the public, however, there are still problems on their cohesiveness, and meeting transparency and accountability standards. Also, the language of the reports of Chamber of Accounts is quite challenging, and the volume of annual reports of State Financial Control Service is very small. In comparison with above mentioned two state agencies, the reports released by the Ministry of Taxes are relatively detailed, but still lacks comprehensiveness.</p> <p>The CCC report says: " State Financial Control Service of Ministry of Finance, Ministry of Taxes, Chamber of Accounts and other state bodies have regularly disclosed information on their activities to public through official web pages."<sup>30</sup></p>
6.3	<p><b>Application of information technologies in state control and creation of e-control system</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes - 2013-2014 years</p>
	<p>Chamber of Accounts has subtly touched upon this matter only on its 2013 report: "</p> <p>Chamber of Accounts continued applying advanced information technologies and innovations in its activities."<sup>31</sup> According to the Chamber's 2014 and 2015</p>

<sup>27</sup> <http://www.taxes.gov.az/uploads/DP/2016/DP1.pdf>

<sup>28</sup> <http://sai.gov.az/upload/files/h2014.pdf>

<sup>29</sup> <http://sai.gov.az/upload/files/HESABAT%20HP-2015.pdf>

<sup>30</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

<sup>31</sup> <http://sai.gov.az/upload/files/h2013.pdf>

	<p>reports, the activities carried out on 6.3 sub-direction of NAP are not recorded.</p> <p>A key action in relation to the implementation of this paragraph is application of "Treasury Management Information System" on the SAP platform (widely used and considered improved software in business administration) to improve treasury system of the Ministry of Finance. In 2014, direct costs of the national and foreign currencies has been started to be fulfilled through this system. Moreover, the activity of software which was developed by State Treasury Agency and other budget institutions was integrated into Treasury Management Information System aimed at improving the quality of treasury services, increasing transparency and enhancing control in this direction.</p> <p>NAP report of the Ministry of Taxes states that usage regulations over Automated Tax Information System (AVIS) of the Ministry of Taxes by Financial Monitoring Service under the Central Bank of Azerbaijan Republic were changed on November 25, 2014. Based on new amendments, the volume of exchanged data was broadened.<sup>32</sup></p> <p>It should be mentioned that the CCC report regards the improvement of Treasury System of Ministry of Finance as a focal point on compliance with commitment under this direction.<sup>33</sup>.</p>
<p><b>6.4</b></p>	<p><b>Ensuring mutual interaction across financial control agencies, establishment of a single digital database, and supporting data interchange among them</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers, Chamber of Accounts, Ministry of Finance, Ministry of Taxes - 2013-2014 years</p>
<p>The report of Ministry of Taxes underlines the following activities carried out on building mutual interaction across financial control bodies and creation of a single digital database: " Financial Monitoring Service under the Central Bank of Azerbaijan Republic has conducted a seminar jointly with World Bank in Baku within the framework of " National Risk Assessment on the prevention of the legalization of criminally obtained funds or other property and combating against the financing of terrorism" project and a representative from the Ministry of Taxes attended to the event as well. Besides, digital services were set up within the Ministry of Taxes together with Financial Monitoring Service under the Central Bank of Azerbaijan Republic in order to enhance integration."<sup>34</sup></p> <p>As coming to Chamber of Accounts, the agency reports that it has developed a set of proposed addendums and amendments to the Memorandum of Understanding which is signed in 2008 on joint cooperation with Ministry of Finance of Azerbaijan Republic to cover areas such as strengthening financial administration and accountability, and ensuring transparency. These proposals were submitted to the Ministry.<sup>35</sup></p> <p>At the same time, a draft Memorandum of Understanding on ensuring mutual cooperation and joint coordination between the Ministry of Economy of Azerbaijan Republic and State Customs</p>	

<sup>32</sup> <http://www.taxes.gov.az/uploads/DP/DP2.pdf>

<sup>33</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

<sup>34</sup> <http://www.taxes.gov.az/uploads/DP/DP2.pdf>

<sup>35</sup> <http://sai.gov.az/upload/files/h2014.pdf>

Committee of Azerbaijan Republic was prepared by Chamber of Accounts.<sup>36</sup>

It should be emphasized apart from afore-mentioned reports that the research findings did not reveal any facts on set up of a single digital database across financial control agencies till the end of NAP (2015)

Nevertheless, the CCC report claims that activities in regard to fulfillment of this provision has been launched since 2013 and measures are carried out on regular basis: " The Board of Ministry of Finance has approved "Regulations for planning, conducting, and documentation of the results of the control measures by the State Financial Control Service of the Ministry of Finance of the Republic of Azerbaijan" in 14 February of 2013 and currently, a process on application with other state financial control agencies are underway. Additionally, data interchange between the Ministry of Finance and Chamber of Accounts is coordinated, and State Financial Control Service has shallow information on control objects, and the Service has a single electronic database to date that contains itself the recently implemented control measures.<sup>37</sup>".

**6.5**

**Improvement of control mechanisms over the publication of financial reports developed by state institutions in compliance with the International Standards of Financial Reporting or the National Accounting Standards, along with the auditor's reports**

**Responsible state agencies:** Cabinet of Ministers, Chamber of Accounts, Ministry of Finance - 2013-2014 years

The Chamber of Accounts declared that it has developed the projects on " Amendments to the law on "Accounting " of Azerbaijan Republic", " Amendments to the Code on Administrative Offences of Azerbaijan Republic", and eventually " Amendments to the rules on publication, reporting durations and submission of consolidated financial and annual financial reports of commercial organizations" approved with #97 decision of the Cabinet of Ministers dating to May 27, 2010".<sup>38</sup> These changes were endorsed by CoM. However, the researcher did not come across any data in the reports of Ministry of Finance.

The CCC on its reports also refers to official statements released by Chamber of Accounts.<sup>39</sup>

**6.6**

**Development of proposals on control mechanisms and procedures for oversight over the drafting and execution of local budgets, compliance of spending with approved budget indicators as well as timely endorsement of financial reports of municipalities**

**Responsible state agencies:** Ministry of Justice, Ministry of Finance, Chamber of Accounts – 2013 year

The 2015 report of Chamber of Accounts describes that the agency submitted proposals to the Ministry of Justice regarding amendments to the draft Laws on " Bases of municipality finances", " Accounting " of Azerbaijan Republic", "Amendments to the Code on Administrative Offences of

<sup>36</sup> <http://sai.gov.az/upload/files/HESABAT%20HP-2015.pdf>

<sup>37</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

<sup>38</sup> <http://sai.gov.az/upload/files/h2014.pdf>

<sup>39</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>. Ibid

Azerbaijan Republic". Later, Ministry of Justice confirmed preparation of proposals regarding the control mechanisms and procedures on overseeing drafting and execution of local budgets, compliance of spending with approved budget indicators as well as timely endorsement of financial reports of municipalities.

Besides, Ministry of Finance has enacted activities on integrating the reports of municipalities into electronic system.

The Commission's report says the following: " Relevant changes were made to the Law on "Accounting" of the Republic of Azerbaijan as well as the provisions related to budget execution by the municipalities, submission of financial reports, reporting periods and their publishing have been reflected in above-mentioned amendments. At the same time, Ministry of Finance has stimulated the electronic submission of data on municipal revenues and expenditures, as well as quarterly and annual reports on the execution of local budgets." <sup>40</sup>

6.7	<p><b>Publication of the reports on implementation of state budget and the relevant legislation drafts prior to submission to the Parliament of the Republic of Azerbaijan</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers, Ministry of Finance – 2013-2015 years</p>
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The Ministry of Finance on its response to the official enquiry has confirmed that it has published detailed indicators on drafts of next year's state and summary budgets on its official website prior to submission to the Parliament in order to raise awareness of population. Starting 2013, Ministry of Finance fulfilled these activities on regular basis. The Ministry has published for the first time the law on " Implementation of state budget of Azerbaijan Republic in 2012" on its website on May 31, 2012 after it was adopted at the Parliament on 4th of June in 2013.

In response to the enquiry the Ministry also noted that in accordance to 20.2 and 20.7 articles of the law on "Budgetary system" the quarterly reports submitted to Cabinet of Ministers regarding the execution of state budget were posted at the website accordingly.

The report of CCC also confirmed this fact: "It should be noted that the annual reports on the implementation of the state budget in 2013 and quarterly reports about the implementation of the state budget in 2014 were published in the official website of the Ministry of Finance in accordance with the Law on the "Budgetary System". Besides, that draft state and consolidated budgets for 2015 and indicators of consolidated budget

for next 3 years were published at official web site of Ministry of Finance and social networks before being presented to the Parliament."<sup>41</sup>.

<b>Evaluation</b>	<p>Some commitments under this dimension were fully completed, whereas others fulfilled partially. Nevertheless, implementation of remaining activities should be commended. In particular, it is worth highlighting the publication of state budget reports and relevant draft laws prior submission to the Parliament of Azerbaijan Republic. A compliance with commitments has stimulated increasing</p>
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<sup>40</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

<sup>41</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>.

	<p>transparency relatively in the activities of state agencies implementing fiscal control mechanisms ( Ministry of Finance, Chamber of Accounts and Ministry of Taxes). However, a key factor that effected downgrade in while assessing this direction is the law on "Fiscal control" ensuring to oversee improved financial control and delineation of powers of state agencies that fulfill fiscal control.</p> <p>Therefore, this dimension was graded with "<i>Limited progress</i>" given to the current state of commitments and views from the experts.</p>
<p><b>7. Increasing transparency over tax control and inspection processes</b></p>	
7.1	<p><b>Providing tax payers with necessary data tools and enhancing awareness campaign together with taxpayers</b></p> <p><b>Responsible state agency:</b> Ministry of Taxes - 2012-2014 years</p>
<p>Ministry of Taxes provided detailed information about this sub-section on its 2012, 2013 and 2014 reports.<sup>42</sup> According to the Ministry, 217383 appeals received from tax payers and citizens were responded by "195 Call Centre", including 40018 requests answered by automatic call regimes, and 177365 enquiries via inspector-operators in 2013-2014. Besides, 1 537 494 awareness raising messages were sent to tax payers in 2014. Also, advertisements calling to sign Labour Contracts were placed on flight tickets, and similarly, the Ministry ensured publishing in average 90 advertisements per month as well as video films for free on Labour Contracts in different corners of Baku city, including on the roadsides and big trade centers. During the reporting period, the number of users from the website (www.taxes.gov.az) of Ministry of Taxes reached to 3285007. The number of appeals applied through "Question-Answer" section constituted 1414 persons. Moreover, there is a grading mechanism created under "Question-Answer" section in order to rate the quality of provided service.</p> <p>Besides, 40 cars with logo of the Ministry of Taxes are allocated for tax payer service structures of the agency in February, 2014. These automobiles were used for document circulation, including delivery of targeted (on-site) services, POS-terminals, and meetings held with taxpayers and municipalities, members of "Tax Friends" network, and events at schools. They are also used for advertisement and awareness raising purposes. It should be mentioned that the Ministry launched "Cashless payment as a Fast Track" project at big trade centers since august of the current year aimed at stimulating cashless payments and POS- terminals. The main goal of the project is boosting cashless payments among population through enabling fast tracks in the household subjects (objects).</p> <p>Similarly, the CCC lists on its report the activities mentioned by the Ministry of Taxes.</p>	
7.2	<p><b>Measures on aligning the actions of tax institutions with the Code of good practices on fiscal transparency of International Monetary Fund</b></p> <p><b>Responsible state agency:</b> Ministry of Taxes - 2012-2013 years</p>
<p>The 2012-2014 reports of the Ministry of Taxes says the following: " The actions were carried out to adapt work of tax agencies to "Code of good practices on fiscal transparency" of International</p>	

<sup>42</sup> <http://www.taxes.gov.az/uploads/qanun/2014/Aciqhokumet.pdf>, <http://www.taxes.gov.az/uploads/DP/DP2.pdf>

Monetary Fund. Thus,

The results of monitoring conducted by the Ministry of Taxes, alignment of provisions of the IMF's Code in the activities of tax agencies and relevant normative-legal acts were submitted to the Cabinet of Ministers on 6th of November in 2008.

Additionally, improvement activities undertaken by International Monetary Fund in regard to "Code of good practices on fiscal transparency" as well as the preparation of draft on addendums and changes to be made to the Code during the reporting period were reported to the public. The final version of the document was prepared based on comments and proposals and submitted to the Executive Board of the International Monetary Fund for their endorsement. After its approval, the project will be published<sup>43</sup>.

The CCC report reflects a similar information provided by the Ministry .

<b>7.3</b>	<b>Execution of measures aimed at improving electronic payment of taxes and other mandatory payments</b>
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	<b>Responsible agency:</b> Ministry of Taxes - 2012-2013 years
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The Ministry of Taxes has enacted relevant measures aimed at stimulating the electronic payment of taxes and other mandatory installations. As a result of joint cooperation between the Ministry of Finance and the Central Bank to carry out cashless payment of state fees, relevant activities were fulfilled in order to integrate the Ministry of Justice into "Government Payment Portal". For this purpose, the Ministry of Justice has identified a list of bank requisites of district collector institutions as well as budgetary classification of duties. Additionally, all technical and other relevant issues in regard to joining of the Ministry to "Government Payment Portal" were discussed. During the reporting year, The internet tax office was refitted to provide opportunity to taxpayers to have debts on VAT percentages in their VAT accounts automatically transferred through a special subaccount and this system was commissioned for use in 2013. At same time, several necessary measures were taken to increase the diversity and amount of electronic services for the use of civil society and business structures by Ministry of Taxes. Electronic payment system of taxes and duties was created by the joint measures of Ministry of Taxes and National Bank.

The CCC report also considered the afore-mentioned facts.

<b>Evaluation</b>	It should be noted that the Ministry of Taxes has carried out significant activities by providing tax payers with necessary data tools and enhancing awareness campaign with participation of taxpayers. The Ministry has complied with commitments set in each 3 sub-direction. This finding was confirmed during focus-group discussions and consultations held with experts. Therefore, this commitment is assessed as <b><i>"Fully implemented"</i></b>
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<sup>43</sup> <http://www.taxes.gov.az/uploads/qanun/2014/Aciqhokumet.pdf>



8. Increasing transparency in extractive industries	
8.1	<p><b>Continued cooperation with local and foreign companies engaged in extractive industries and civil society institutions by the Government of the Republic of Azerbaijan in order to ensure sustainable implementation and development of the Extractive Industry Transparency Initiative in Azerbaijan</b></p> <p><b>Responsible state agency:</b> State Oil Fund – 2012-2015 years</p> <p>According to the information of the State Oil Fund, 8 meetings of Multi-stakeholder Group (MSG) with participation of government agents, local and foreign companies, including civil society institution representatives were organized in 2013.<sup>44</sup> During the meetings, the implementation of the EITI Work Plan and other issues that emerged throughout the year were discussed and relevant decisions were made. In 2014, the MSG held 8 meetings as well.<sup>45</sup> Besides, Working Group of MSG has held 4 meetings and carried on its activities through emails. It should be mentioned MSG held 7 meetings on implementation of Extractive Industries Transparency Initiative ( EITI) in Azerbaijan in 2015. The summaries from MSG minutes were published at <a href="http://www.eiti.az">www.eiti.az</a>.<sup>46</sup> At the meetings within the frames of MSG, the implementation of the EITI Work Plan and other issues happening throughout the year were discussed and relevant decisions were adopted. Additionally, Azerbaijan EITI Secretariat, MSG and all parties to EITI have worked closely in order to ensure the fulfillment of decisions on timely manner.</p> <p>Azerbaijan was validated against new EITI Standard on January 01, 2015, and Azerbaijan's EITI status was downgraded from "compliant" to "candidate" country at the 29th meeting of International EITI Board held on April 14-15 in Brazzaville, Congo.</p> <p><b>Key note:</b> <i>MSG acts as a decision-maker on implementation of EITI in the country. The Group was established in January of 2010. MSG comprised of 3 primary and up to 3 alternate members ( in total 9 primary + 9 up to 9 alternate members) from each Memorandum Parties (Group of Companies, NGO Coalition and Committee) having equal rights was established with an intention to further improve the EITI process, permanently implemented in Azerbaijan within the framework of the Memorandum and to ensure stronger and more effective oversight and management on the EITI process. Meetings of the MSG are held at least four times a year in accordance with Annual Work Plan. Chairman of the Committee becomes the member of MSG on behalf of Azerbaijan government and chairs these meetings.</i></p>
8.2	<p><b>Continuing regular disclosure of Azerbaijan government reports on total transfers from the extractive industries for the public</b></p> <p><b>Responsible state agency:</b> State Oil Fund – 2012-2015 years</p>

<sup>44</sup> [http://www.eiti.az/doc/2013/EITI\\_Report\\_2013\\_aze.pdf](http://www.eiti.az/doc/2013/EITI_Report_2013_aze.pdf)

<sup>45</sup> [http://www.eiti.az/doc/2014/EITI\\_report\\_published\\_aze.pdf](http://www.eiti.az/doc/2014/EITI_report_published_aze.pdf)

<sup>46</sup> <http://www.eiti.az/index.php/az/senedler/protokollardan-cixaris>

During the 2013-2015 reporting period, the reports of Azerbaijan government on total transfers from the extractive industries were published. <sup>47</sup> The presentation of these reports were held for the public and the State Oil Fund has disseminated press-releases. <sup>48</sup>	
<b>8.3</b>	<b>Disclosure of the annual reports on implementation of the Extractive Industry Transparency Initiative in Azerbaijan</b>  <b>Responsible state agency:</b> State Oil Fund – 2012-2015 years
During the reporting period, the annual reports on EITI implementation in Azerbaijan were regularly published. In 2014, along with the annual reports, summary reports were published as well. <sup>49</sup> The final report has covered 2015. More information on the reports can be accessed from <a href="http://www.eiti.az">www.eiti.az</a> website. <sup>50</sup>	
<b>Evaluation</b>	The State Oil Fund is responsible on increasing transparency in extractive industries. Due to Azerbaijan civil society facing challenges to exercise their free and effective participation in the EITI process, Azerbaijan's EITI status was downgraded from "compliant" to "candidate" country with the decision of International EITI Board held in April 15, 2015. Nevertheless, the State Oil Fund has fully and timely complied with commitments in this direction. This fact is confirmed with responses to the enquiries submitted to the Oil Fund and analyzing information at <a href="http://www.eiti.az">www.eiti.az</a> website. Therefore, the experts assessed compliance with this commitment as "Fully completed"
<b>9. Awareness raising and cooperation in the field of Open Government Promotion</b>	
<b>9.1</b>	<b>Assessment the level of fulfillment of Action Plan activities on annual basis and disclosure to the public</b> <b>Responsible state agency:</b> Commission on Combating Corruption – 2012-2015 years
<p>The approval of the National Action Plan on Promotion of Open Government with Presidential decree has instructed central and local executive committee authorities to submit data on implementation of Action Plan activities to the CCC and CoM.</p> <p>The Cabinet of Ministers do not disclose any document - report, summary and data. There is not a separate section dedicated to NAP in the published report and its website does not have any coverage on fulfillment of the program.</p> <p>The CCC has published 2 reports since the first adoption of CCC program in 2012 until the publication of this report on December 21, 2016. The first NAP report covers 2012-2013 years, whereas as the second report is dedicated to implementation of activities in 2014. Due to unknown circumstances, the CCC 2015 report and final report are not released. The Commission has a special methodology in regard to fulfillment of commitments. The evaluation methodology envisages 2 main</p>	

<sup>47</sup>

<sup>48</sup> [http://www.oilfund.az/az\\_AZ/news/1208/100/Doevlet-Neft-Fondunda-metbuat-konfransi-kecirilmisdir.asp](http://www.oilfund.az/az_AZ/news/1208/100/Doevlet-Neft-Fondunda-metbuat-konfransi-kecirilmisdir.asp)

<sup>49</sup> [http://www.eiti.az/doc/2014/Summary%20report\\_2014\\_aze.pdf](http://www.eiti.az/doc/2014/Summary%20report_2014_aze.pdf)

<sup>50</sup> [http://www.eiti.az/doc/2015/AZE\\_EITI\\_Progress\\_Report\\_2015.pdf](http://www.eiti.az/doc/2015/AZE_EITI_Progress_Report_2015.pdf)

directions - 1) The 45 types of activities containing 9 paragraphs will rank relevant state agencies with full, partial or non-compliance. On the first phase, state agencies will be graded on a "0-2" points scale for implementation of 45 activities in NAP. The level of compliance will be as following: "0" - not implemented, 1 - partially implemented, 2 - fully complied. Consequently, grades will be summed up and average percentages based on "fully complied", "partially implemented", "not implemented" scale will be calculated in order to assess activities of central and local executive agencies; 2) On the second phase, the level of activities in the Action Plan which is planned to be executed within a year will be assessed based on the outcomes of a preliminary assessment.

According to independent experts, the evaluation of the Commission and its indicators do not reflect reality. In particular, compliance indicators in regard to the 1st, 3rd, 4th, 6th and 9th directions are overstated.

The official statement from the Commission says that 64% of activities in the Action Plan were fulfilled by state agencies in 2012-2013, whereas 76% of them were realized in 2014.<sup>51</sup> Seemingly, the Commission does not release reports on timely manner. Despite the fact that the decree calls for participation of civil society representatives on assessment of commitments, however, this was not achieved. Except posting the CCC reports on the website for awareness raising purposes, the Commission did not actively ( presentations, conferences, publication and dissemination of reports, and others) involve in this process.

9.2	<p align="center"><b>Publication of awareness raising materials on Promotion of Open Government and dissemination among the public</b></p> <p><b>Responsible state agencies:</b> Commission on Combating Corruption, Cabinet of Ministers, central and local executive committees - on regular basis</p>
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A compliance with this commitment is rarely found in the reports of central and local executive committees. Local executive committee authorities do not incorporate any data in their relevant reports, because planned activities are not fulfilled. Central executive committees in most cases do not include this sub-section to the reports. During the monitoring period, the researcher did not come across any awareness raising materials and distribution of these papers among the public.

However, the CCC reports that the requirements of this provision were fully implemented (81%) by state authorities."<sup>52</sup>

9.3	<p align="center"><b>Continuing actions on implementation of commitments within the framework of "Open Government Partnership"</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers , central and local executive committees, Commission on Combating Corruption – 2012-2015 years</p>
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The results of monitoring revealed that local executive committee authorities do not have sufficient knowledge on NAP. State agencies ignore producing the annual work plan on implementation of their commitments or if they do, it is neither published on the official websites nor presented to the civil society and experts. During the monitoring period, only 7 out of 105 state agency have agreed to share work plans with experts. In general, there has not been any significant development on the NAP

<sup>51</sup> <http://commission-anticorruption.gov.az/view.php?lang=az&menu=49>

<sup>52</sup> Ibid.

implementation in the country, because limited progress on most directions (2, 4, 6, 9) were recorded. Majority of state agencies (76 out of 105 state agencies involved to the monitoring) did not publish the reports on NAP implementation, whereas 72 state bodies avoided to present their reports to the monitoring group by reasoning this on their response to the official enquiry - "As a requirement of the legislation, we submit the reports to CCC".

According to the report from the Commission, 75% of state agencies have complied with this commitment.<sup>53</sup>

<b>9.4</b>	<p><b>Financial support to civil society institutions for implementation of activities in the Action Plan</b></p> <p><b>Responsible state agencies:</b> Cabinet of Ministers, central and local executive committees, Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan , Commission on Combating Corruption – 2012-2015 years</p>
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The relevant reports of state agencies mentions that the funds were allocated for implementation of this sub-direction. Thus, 7 out of 105 state agencies in their response to the official enquiry have confirmed the allocation of funds for this purpose. The CoM has contributed to this process through formation of legislative base in this field. The President of Azerbaijan Republic has signed #654 decree on "Approval the list of agencies providing grants to natural and physical persons of Azerbaijan Republic funded from the state budget of Azerbaijan Republic" on 21 October of 2015, which is in line with implementation of # 1081-IVQD law of the Republic of Azerbaijan dating back to October 17, 2014 on making amendments to the law about "Grants". The list of state agencies that can provide grants are attached to the decree. According to the list, the following bodies are eligible to provide grants to natural and physical persons of Azerbaijan Republic:

1. Ministry of Youth and Sports
2. Ministry of Culture and Tourism
3. Ministry of Ecology and Natural Resources
4. Ministry of Communications and High Technologies
5. Ministry of Education
6. Ministry of Health
7. Ministry of Finance
8. Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan
9. Commission on Combating Corruption of Azerbaijan Republic
10. Ministry of Agriculture

It should be noted that the President also approved " Rules on alignment of grants to non-

<sup>53</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

governmental organizations by state agencies with Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan" with #652 decree signed in October 21, 2015. Later, CoM enacted amendments to " Rules on registration of grant agreements(decisions)" with its # 73 decision dating to February 22, 2016. At the same time, President has issued another #845 decree on "Changes to the Statue of Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan" in March 17, 2016.

The Commission on its report says the following: " The requirements of this provision were fully implemented (33%) by state authorities. For this purpose, Ministry of Youth and Sport, Ministry of Culture and Tourism, Ministry of Economy and Industry, Ministry of Labour and Social Protection of Population, Ministry of Communications and High technologies, Azerbaijan Youth Foundation under the President of the Republic of Azerbaijan, State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, Commission on Combating Corruption, Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan and some other state authorities have allocated funds for civil society institutions. The Commission also notes that after the adoption of decision on allocation of state fund to non-governmental organizations by Cabinet of Ministers the support to the civil society institutions should be enhanced and cooperation should be in a regular form and number of joint projects should be increased.<sup>54</sup>

#### Evaluations

The problems related to implementation of this commitment under this dimension are: final report was not released on time, civil society representatives were not engaged in assessment of commitments, majority of state agencies did not comply with commitments, legislation base was formed late, lack of providing necessary financial support, publications on Promotion of Open Government were not published and others. Given the current level of compliance with commitments and evaluation by the experts, it was graded as " *Limited Progress*".

### Conclusions

The implementation of first NAP on Open Government Promotion (OGP) should not be regarded as a "success story" several reasons. First and foremost, the NAP was not produced in accordance to the principles and guidelines of OGP, independent civil society representative were not necessarily involved in development of the Plan and discussions, the number of activities were deliberately increased, and eventually a number of requirements in the legislation were again incorporated into the NAP. The compliance with NAP on Open Government Promotion for 2012-2015 produced the following outcomes:

- 1. The CoM did not comply with its commitments in NAP.** The order on approval of NAP issued by the President has instructed CoM along with the CCC to regularly analyze the situation regarding implementation of the Action Plan and present information about this to the President of Azerbaijan Republic. At the same time, the CoM has executed only one commitment regardless having 11 sub-dimensions in the Plan. The remaining ones either were not implemented at all or fulfilled after expiry of timelines. CoM has solely adopted "

<sup>54</sup> <http://commission-anticorruption.gov.az/upload/file/OGP-2015-aze.pdf>

Determining minimum conditions and a single template of the internet pages of state agencies in accordance with modern standards" decision one day prior approval of NAP.

2. **The CCM did not fully comply with its NAP commitments.** Primarily, the Commission did not fully implements its commitment to involve civil society on evaluation process of its action plan. Secondly, it has disclosed the reports beyond set timelines. According to the requirement of legislation, the state agencies with certain liabilities should submit their reports to the Commission by January 15 each year. On its turn, the Commission is responsible to conduct evaluations based on these reports and consequently, disclose a final report on the assessment of commitments. Regrettably, neither 2015 report nor the final report are yet disclosed. Thirdly, the Commission did not update the public about the implementation of the Plan on regular basis, and limited itself only publishing 2012-2013 and 2014 reports on its official website. Finally, the results of implemented commitments were overstated in the reports, and the document contains abstract indicators.
3. **Majority of state agencies, violating requirements of the legislation, did not prepare annual work plans on NAP implementation, or they avoided publishing the available plans on their websites and sharing with independent civil society organization.** A key importance of work plans is that each state agency should divide its commitments by years, and should implement them step by step. Similarly, the evaluation should be carried out in accordance to the activities set within work plans. Unfortunately, majority of state agencies have deliberately prevented the access, which law places no restrictions for public disclosure, of independent civil society representatives to work plans
4. **Majority of state agencies as a compliance with their commitments did not publish annual reports on the websites and in response to official enquiries mentioned submitting reports to CoM and CCC due to the requirement of legislation.** Despite repeated efforts to explain state agencies through official letters and telephone calls that the contents of reports are open-source information to the public, however, they were not persuaded.
5. **Local executive committee authorities are unaware of the essence of OGP .** Besides of 2-3 local executive committees, the remaining authorities have demonstrated very low performance on NAP implementation. The main reason is disregarding transparency on their activities and not being knowledgeable about the importance of OGP.
6. **Improvement of digital services on the 5th direction did not stimulate transparency and accountability in the activities of state agencies.** The primary reason of this is because all efforts are mobilized solely for payments of taxes, administrative fines, state fees, communal fees, including digitalization of cross-government document circulation, raising quality of internet, and increasing the number of electronic services provided by state agencies. Therefore, improvement of digital services as highlighted in the principles of Open Government did not bring about transparency and accountability in the activities of state agencies. According to the Open Government principles, the application of electronic services should be a means on increasing transparency and accountability in state agencies.
7. **"Limited Progress" on compliance with commitments was recorded in 4 key clauses of 9 directions in the NAP.** The findings of the evaluation revealed that "Limited Progress" in 4

(2,4,6,9), "Significant progress" in 1 (5), "Fully implemented" in 3 (3,7 and 8) and "No progress" in 1 (1) out of 9 directions were registered. It should be mentioned that "Limited Progress" was recorded in regard to disclosure of information about the activities of state agencies, enhancing public participation, ensuring transparency within state agencies fulfilling financial control mechanisms and awareness raising and establishing cooperation on Open government.

## Results of monitoring

Ditection of actions	Fully implemented	Significant progress	Limited progress	No progress
1. Facilitation of access to information				
2. On-going publicity of the state institutions				
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 institutions				
7. Increase in transparency of tax control and examination				
8. Increase of transparency in extractive industries				
9. Awareness-raising and cooperation in the field of OGI				

# **Assessment over adoption of Azerbaijan's second NAP on OGP in compliance with the principles of Open Government**

## **Introduction**

The government of Azerbaijan has negatively impacted on the spirit of integration of independent NGOs and active civil society representatives to promotion of OGP through imposing administrative hurdles and crippling pressures over the activities of Azerbaijan civil society institutions in 2014-2015. The government seeing no public pressure and resistance by independent civil society members has further introduced serious setbacks in order to curtail the implementation of first Action Plan, including adoption process of the new Action Plan. Thus, a draft of the second Action Plan which was previously planned to be introduced to the public with involvement of government and non-governmental organizations in June 1 of 2015 has been realized only on March 14, 2016. The attendance at this event that was organized by the Council on State Support to Non-governmental Organization has become more stringent and, therefore, only the list of representatives from civil society representatives censured by the government were allowed. It should be highlighted that even majority of the organizations previously submitted their proposals over improvement of the new Action Plan were distanced from participation. Despite of all these sweeping obstacles, prominent representatives among sidelined independent NGOs have inked the document representing their positions on participation at the consultation process as well as representation at the dialogue platform.<sup>55</sup> Since then, they have released the document for public in order to express their interests in advance. The OGP members countries are obliged fostering an enabling environment for civil society to develop an Action Plan with involvement of stakeholders, and actively engage citizens and civil society institutions in this process. A key rationale behind this is that NAP is an underlying basis for a country to participate at OGP. In principle, there was long-term period left for consultations, however, the studies conducted prior to the adoption of NAP proved that the Azerbaijan side did not comply with these requirements, and in several occasions organized closed consultations of disguise nature. In parallel with concerted government efforts to further complicate the situation, "National Action Plan on Promotion of Open Government in 2016-2018" was approved by the President of Azerbaijan Republic in 28 April of 2016<sup>56</sup> - 4 months later since the beginning of the current year. The guidelines on "Dates and Deadlines" adopted by the OGP Support Unit highlights that if a country submits their NAP or Self-Assessment Report late, the delay should be noted in the Independent Reporting Mechanism. Additionally, the rules regarding delays says that if a country delivers its new NAP more than four months late, the Independent Reporting Mechanism will document this and, working with the Support Unit, will refer the case to the Criteria and Standards Subcommittee of the OGP Steering Committee. Later, the country will receive a letter from the Support Unit noting this occurrence. The same rules apply to the late submission of the self-assessment reports. If a country delivers its new NAP late but within six months of the deadline, the calendar end date for the NAP will not change, but, as a result, the

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<sup>55</sup> <http://www.contact.az/search/document.php?id=78094&vr=en#.WG2-gFV97IU>

<sup>56</sup> [http://www.opengovpartnership.org/sites/default/files/AZ-NAP\\_16-18.doc](http://www.opengovpartnership.org/sites/default/files/AZ-NAP_16-18.doc)



amount of time for implementation of the commitments will be reduced. All NAPs should cover a period of implementation of a minimum of 18 months, although individual commitments may be of any length. If a member country is more than six months late it will be moved to the following year's group.

Given that Azerbaijan has delayed the adoption of its second NAP more than 4 months but less than six months of the deadline, its OGP Calendar Timeline remains the same. In light of restrictions of activities of NGOs, including obstructing the representation of civil society institutions and their full participation, the Steering Committee designated Azerbaijan as inactive in the OGP, due to unresolved constraints on the operating environment for Non-Governmental Organizations. during its meeting held in Cape Town, South Africa, on May 4, 2016. The decision is the first time that OGP has taken action under its Policy on Upholding the Values and Principles of OGP, known as the Response Policy, adopted in 2014 labeling Azerbaijan as inactive.<sup>57</sup> The initial discussions over Azerbaijan were launched since 7-9 December of 2016 amid OGP Global Summit held in Paris, however, Azerbaijan is still remaining as inactive member till nowadays.

## **1. Evaluation of public participation in development of the second NAP in Azerbaijan**

OGP countries commit to developing their country Action Plans through a multi-stakeholder process, with the active engagement of citizens and civil society. Involving civil society in the development of the national Action Plan is a critical step in improving the dialogue between citizens, civil society and government. This in turn is one of the primary aims of OGP. Governments are required to report on the quality of their dialogue with civil society in their OGP self-assessment report<sup>58</sup>, and the Independent Reporting Mechanism<sup>59</sup> also assesses performance in this area<sup>60</sup>.

In summary, we encourage governments to follow the following steps to ensure effective consultation: *Plan* consultations early in the policy development process, and publish a plan for the consultation that *explains* why the government is consulting and how stakeholders' views will be taken into account. Strive to *involve* a diverse group of stakeholders, including hard-to-reach groups, and *organise* the consultations in ways that are accessible to the people whose views are sought. *Analyse* the input received from consultations, *assess* whether respondents were representative and *provide feedback* to participants to explain how decisions were made and what the next steps will be. Finally, *act on the findings* to improve policies and programmes, and then *evaluate* the consultation process to help improve future consultations. Throughout the consultation, *communicate clearly* and directly, with a focus on using plain language that will be easily understood by regular citizens.

While assessing the implementation of these recommendations in Azerbaijan context it can be inferred that the government did not set up Consultation Planning prior to preparation of the second NAP, and consequently it disregarded to create an enabling environment in order to

<sup>57</sup> <http://www.opengovpartnership.org/blog/anonymous/2016/05/04/media-briefing-azerbaijan-made-inactive-open-government-partnership>

<sup>58</sup> [http://www.opengovpartnership.org/sites/default/files/Azerbaijan%20Self-Assessment%20for%202014\\_0.pdf](http://www.opengovpartnership.org/sites/default/files/Azerbaijan%20Self-Assessment%20for%202014_0.pdf)

<sup>59</sup> [http://www.opengovpartnership.org/sites/default/files/Azerbaijan\\_OGP\\_IRM\\_Public\\_Comment\\_\(English\)\\_0.pdf](http://www.opengovpartnership.org/sites/default/files/Azerbaijan_OGP_IRM_Public_Comment_(English)_0.pdf)

<sup>60</sup> Open Government: data, principles, concepts, best practice).

2015. <http://workspace.unpan.org/sites/Internet/Documents/UNPAN95209.pdf>

foster the meaningful participation of NGOs holding different opinions and visions. After a series of formal consultations with the involvement of selected NGOs, the participants were notified again and informed about the next steps. Although consultations conducted in different stages and based on formality, main implications and conclusions are not made public yet.

OGP participants commit to “co-create” their country action plans through a multi-stakeholder consultation process, with the active engagement of citizens and civil society. In this section please describe the NAP development process, including the consultation.

Please consider that regarding the consultation process, the IRM evaluates the following activities<sup>61</sup>:

- 1. Availability of timeline:** Countries are to make the details of their public consultation process and timeline available (online at minimum) prior to the consultation.
- 2. Adequate notice:** Countries are to consult the population with sufficient forewarning. Many countries have chosen to share written drafts two weeks before the official start of consultation to allow stakeholders to organize themselves.
- 3. Awareness raising:** Countries are to undertake OGP awareness raising activities to enhance public participation in the consultation.
- 4. Multiple channels:** Countries are to consult through a variety of mechanisms—including online and through inperson meetings—to ensure the accessibility of opportunities for citizens to engage.
- 5. Breadth of consultation:** Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views.
- 6. Documentation and feedback:** Countries are to make a summary of the public consultation and all individual written comment submissions available online.
- 7. Consultation during implementation:** Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

- 1. Availability of process and timeline:** Countries are to make the details of their public consultation process and timeline available (at least online) prior to the consultation.

*Governments should aim to provide the following details of the consultation process:*

- Clear information on the government’s OGP point of contact;
- Clearly stated purpose of the consultation process;
- Where the country falls in the OGP cycle (i.e. is this the first or second national Action Plan);<sup>1</sup>
- Information on the scope of the consultation and the methods to be used, as well as what can be expected after the consultation has formally closed;
- Timeline of meetings, including objectives, expected outcomes and logistical information (e.g. location, format for input, contact details);
- List of directly invited participants (from government, civil society and other stakeholders);
- Information on who can participate additionally and how;
- Specific pre-defined topics to be discussed (if applicable) during consultation in the event that a thematic approach is planned (e.g. open data, extractive industries, open budgets);
- Roles and responsibilities in the process of government, civil society and other participants;

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<sup>61</sup> OGP National Dialogue Guidance Note

[http://www.opengovpartnership.org/sites/default/files/attachments/OGP\\_consultation%20FINAL%20\(1\).pdf](http://www.opengovpartnership.org/sites/default/files/attachments/OGP_consultation%20FINAL%20(1).pdf)

- Materials to be prepared/discussed by participants before the consultation process begins.

**1. Adequate notice:** Countries are to consult the population with sufficient forewarning to ensure the accessibility of opportunities for citizens to engage

To effectively publicise the consultation process it is important that multiple channels are used; start doing this at least four weeks before consultation begins. This could include the following actions:

- Post a document on the responsible agency's website that explains the consultation process and how the government will address responses;
- Clearly state a deadline for responses, any alternative ways of contributing, and the language (s) in which responses are preferred;
- State the date when and the place where the summary of responses will be published;<sup>3</sup>
- Explicitly state who to contact if respondents have comments or complaints about the consultation process
- Make reference to all relevant background information.<sup>3</sup> A good starting point is to openly discuss with civil society the preliminary work done on open government and to share government expectations and ideas for OGP commitments;

**2. Awareness raising:** Countries are to undertake OGP awareness-raising activities to enhance public participation in the consultation.

Beyond the basic 'getting the word out', countries should consider the following recommendations:

- Take steps to raise awareness of OGP and the consultation exercise among a diverse group of stakeholders and individuals who are likely to be interested, including audiences beyond the capital city;
- Present information in a way that is likely to be accessible and useful to the stakeholders with substantial interest in the matter; relevant documentation should be posted online to enhance accessibility and opportunities for reuse;<sup>1</sup>
- Organise preliminary workshops to raise awareness of open government/the OGP basics and encourage a common starting point for consultation discussions;
- Create a national OGP website (as a government or in partnership with civil society) that explains the OGP basics, provides information on the national process, and carries key national OGP documents (e.g. Action Plan, monitoring reports). Make sure it is easy to find, easy to understand and available in the national language(s). For example, Indonesia, Ireland, Mexico and the United Kingdom have web pages dedicated to the local OGP process built by civil society, the government or both.
- Organise outreach activities to publicise the government's participation in OGP. This might include working with media partners to disseminate interviews or Q&A sessions with public officials; the active use of social media; organising webinars or other forms of online discussion; and/or press conferences to publicise the country's commitments and responsibilities within OGP.

**4. Multiple channels:** Countries are to consult through a variety of mechanisms—including online and through in-person meetings—to ensure the accessibility of opportunities for citizens to engage.

There are many different online tools countries can use to solicit public input. It is important to make sure the online platform is easy to use, easy to find, and clear about how the government will receive and respond to input. In-depth consultation can be combined with surveys and/or online voting.

- In parallel to - or building on - the online mechanism it is advisable to have in-person meetings to discuss proposals and prioritise them (e.g. thematic working groups). For example, in Ghana the National Steering Committee organised three in-person consultation meetings in rural regions.
- Countries should make sure that some of these activities reach a diverse group of stakeholders, including those outside the capital city.
- Allow sufficient time for responses – international best practice recommends that when consultation takes place over a holiday, the response time should be extended.

**5. Breadth of consultation:** Countries are to consult widely with the national community, including civil society and the private sector, and to seek out a diverse range of views.

Some suggestions:

- a. OGP does not have a specific definition of civil society. It will depend on the national context how civil society is defined and who key stakeholders are.
- b. Ask local experts for suggestions about appropriate organisations to consult.<sup>2</sup> This is likely to include traditional transparency and accountability organisations, but also more issue-driven organisations, for example in the health sector or those working on environmental issues. • Identify and map organisations with the appropriate expertise and maintain an up-to-date database;<sup>3</sup>
- c. Key stakeholders may include research organisations, associations, foundations, interest-based advocacy groups or community organisations, academics, businesses and business associations, faith-based organisations, trade associations, oversight institutions, information commissioners and ombudsmen, social movements, media, etc.;
- d. Consultations should also include individuals representing a variety of government agencies or departments;
- e. Where appropriate, contact the donor community and international cooperation offices in your country to discuss how they might be able to support the national OGP process. OGP has formal partnerships with the World Bank, OECD, IDB and UNDP, and they can be contacted for assistance either directly via the national offices or via the OGP Support Unit.

**6. Documentation and feedback:** Countries are to produce a summary of the public consultation and all individual written comment submissions are to be made available online.

Constructive, timely feedback to stakeholders improves the transparency and accountability of the overall Action Plan development process and helps make the connections between stakeholder input and the final result.<sup>2</sup> The following are some suggestions on documenting input and providing feedback:

- a. Keep track of all suggestions made; If possible include all of these on the responsible agency's website or the national OGP site and/or as an annex to the

national Action Plan. As a minimum, publish a summary of the comments received via these channels;

- b. Ideally, publish all written submissions (grouping submissions by topic), and explain why they were or were not included in the Action Plan;
- c. Try to be prompt with the feedback to stakeholders after the consultation closes;
- d. Publish a summary of the next steps of the OGP national process;
- e. Invite respondents to comment on the consultation process and suggest ways of further improving it;<sup>3</sup>
- f. Include this in an (evaluation) report on the consultation. That report could also contain details of and statistical information on the participants (i.e. number of respondents, their type, geographical distribution).

**7. Consultation during implementation:** Countries are to identify a forum to enable regular multi-stakeholder consultation on OGP implementation—this can be an existing entity or a new one.

Experience shows that having a platform for permanent dialogue is an important factor in building a true partnership based on trust and understanding, exchanging expertise and monitoring the process. There is a wide diversity of such platforms. Some of the principles include:

- Try to include a variety of government, civil society and other stakeholders and balance the numbers across interest groups;
- Agree early on roles, responsibilities, frequency of meetings;
- It helps the national process if there is sufficient capacity/resources to run/coordinate the permanent dialogue;
- The civil society representatives should be self-selected by civil society and not be selected or appointed by government.

*Six good examples:*

1. In Mexico the Tripartite Technical Secretariat<sup>62</sup> includes the Presidency, the Access to Information Institute and an elected representative of each of the eight participating civil society organisations. The Secretariat discusses and makes decisions on all OGP-related matters.
2. In Peru<sup>63</sup>, by Presidential Decree, the Multi-sectoral Commission comprises three representatives of civil society organisations (elected by participating CSOs) and one from the private sector; as well as five government entities (Presidency of the Council of Ministers, the Ministry of Foreign Affairs, the Electronic Government Office, the Public Administration Office and the Department of Justice). Additionally, the Comptroller General and the national Ombudsman participate as observers. The Commission meets regularly to follow-up on national implementation efforts.
3. If to look at Indonesian perspective<sup>64</sup>, there is a special cooperation platform bringing together 7 governmental agencies and the same number of civil society organizations. The platform was established by the government of Indonesia primarily as its Open Government commitment. Afterwards, this format of cooperation has contributed to the development of the country's new action plan and better fulfillment of an "Open Data" initiative. The Open Government-Indonesia jointly with its National Secretariat ensures compliance with commitments both in national and regional levels.

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<sup>62</sup> Tripartite Technical Secretariat in Mexico, <http://www.opengovpartnership.org/node/8993>

<sup>63</sup> <http://www.opengovpartnership.org/country/peru>

<sup>64</sup> "Indonesia's Government and Civil Society in Partnership to Encourage Greater Data Transparency". September 5, 2014. <http://www.worldbank.org/en/news/press-release/2014/09/05/indonesia-government-and-civil-society-in-partnership-to-encourage-greater-data-transparency>

4. An independent Canadian Open Government Civil Society Network<sup>65</sup> which is separate from the government works to establish a permanent dialogue mechanism with the Government of Canada to ensure civil society voices are heard and contributes to the preparation of National Action Plan. The network's vision is to establish a permanent dialogue mechanism through which the government first co-develops commitments for its action plan with civil society representatives, and later co-implements those commitments and then co-assesses its performance.
5. The national coordination mechanism of the Open Government Partnership in Georgia<sup>66</sup> – Open Government Georgia's Forum is created as the country's commitment of the first National Action Plan and its mandate has been broadened further in the second National Action Plan. The Forum comprised of public institutions, the representatives of non-governmental and international organizations, private sector and academia. By holding regular sessions on monthly basis it is supporting and monitoring the National Action Plan implementation and raising public awareness about the OGP-related issues.
6. The United Kingdom (UK) Open Government Civil Society Networks (OGN)<sup>67</sup> is a coalition of individuals and organizations committed to making government work better for people through transparency, participation and accountability. The OGN was formed in 2012 by members of UK civil society in response to the UK Government becoming a founding member of the OGP. Additionally, it works to support greater collaboration across the UK on open government reforms. The OGN collaborates with and challenges governments in the UK to develop and implement ambitious open government reforms through the UK's membership of the Open Government Partnership, and coordinates civil society advocacy on open government issues. The OGN is coordinated independently of government by "Involve" – a think tank and charity specializing in public participation. The Network has closely partnered with the government and greatly contributed to the development of the UK's 2013-15 and 2016-18 Open Government Action Plans. Membership of the UK Open Government Network is open to any individual or civil society organization. However, there are certain conditions for membership and they are as following: i) members shall endorse the Open Government Declaration ii) abide by the Open Government Network's principles iii) have no conflicts of interest. Conflicts of interest include, but are not limited to being: 1) government minister or shadow minister 2) a political advisor working with government ministers or shadow ministers 3) a government official working on open government policy 4) a corporate lobbyist. The membership of the network currently stands at 700 members and has a 5-9 member steering group. The OGN's Steering Committee should have at least one representative from each devolved/regional network, and it must include a balance of individual citizens and representatives of civil society organizations of at least 1:4. Moreover, the Committee should abide by a gender balance of at least 1:2. Half of the

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<sup>65</sup> Canadian Open Government Civil Society Network web page:

<http://www.opengovdialogue.ca/en/about.html>

<sup>66</sup> Georgia Open Government Forum, <https://ogpblog.wordpress.com/630-2/>

<sup>67</sup> Web page of Open Government Civil Society

Networks: <http://www.opengovernment.org.uk/networks/uk/>



Steering Committee places will be put up for reselection every year. Besides, the OGN Coordinator is responsible for administering and coordinating of the Committee.

The components regarding good practices and approaches of separate countries that seek to guarantee the participation of civil society on establishment of Open Government, development and implementation of National Action Plans could be applied by different countries, including Azerbaijan as well. First and foremost, the government should maintain an enabling environment and uphold the value of openness so that civil society institutions can function without any difficulties. While ensuring public participation in open government process, the government should be also committed granting increased access to information for civil society organizations. Furthermore, Azerbaijan government should make consultation opportunities available to all civil society members by complying with its transparency and accessibility commitments.

On 9th September of 2016, the Council on State Support to Non-governmental Organization under the President of Azerbaijan Republic held the closed assembly aimed at creation of Government - Civil Society Dialogue Platform on Open Government Promotion<sup>68</sup> with participation of state agencies and NGO representatives. The event was implemented in accordance to the commitments taken under "National Action Plan on Open Government Promotion in 2016-2018". The Economic Research Center - monitored the NAP on OGP in 2012-2015 and published its results - submitted its request on attendance to the assembly meeting to the Council. Nevertheless, the Center was not invited to participate at the meeting and it was reasoned based on the fact that the list of invitees are requested with a special invitation from the Council. It should be noted that representatives from the State Agency for Public Service and Social Innovations under the President of the Republic of Azerbaijan, the Anti-Corruption Department under Prosecutor General, Ministry of Justice, Ministry of Taxes, and Ministry of Finance are part of this Platform. Following the speeches, participants signed a Memorandum on the creation of the Government-Civil Society Dialogue Platform on Open Government Promotion. Despite of the fact that it has been already 4 months passed since the foundation of Government-Civil Society Dialogue Platform, the Rules and Regulations managing the activities of the Platform have not been adopted yet. Moreover, the key objectives of this Platform is not clear-cut either, however, chairman of the Council on State Support to Non-governmental Organizations on his speech delivered during the assembly meeting has outlined that the Platform seeks to obtain information, cooperate with the government of Azerbaijan and Parliament over fiscal transparency and public participation matters, make recommendations to government reforms carried out on these issues, including monitor the fulfillment of the action plan prepared by the government within the framework of "Open Government" Partnership Initiative, represent the civil society from Azerbaijan in the "Open Government" Partnership Initiative, collaborate and consult with state agencies, local civil society institutions and international organizations, private sector representatives, and finally promote e-government.

In his speech, chairman of Committee on legal policy and state-building of Parliament, Ali Huseynli noted that "dialogue between the government and civil society is reflected in the National Action Plan". He further highlighted, "Representatives of ministries and state agencies are attending to this event on behalf of their respective bodies in order create a new format of cooperation. The parliament adopts laws on economic reforms, but we don't have efficient

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<sup>68</sup> <http://en.apa.az/azerbaijani-news/social-news/government-civil-society-dialogue-platform-created-in-azerbaijan.html>

cooperation with civil society in this regard. Hence, by signing this memorandum today, we will also undertake responsibility in this field." Besides, the representative of Azerbaijan government in OGP, Vusal Huseynov<sup>69</sup>, in his speech underlined the importance of the creation of such a platform.<sup>70</sup> It can be inferred from the speeches of both governmental and parliamentary representatives that the established platform will have more of an Advisory Council status. In the practice of OGP members, platforms with decision-making and advisory status are differing from one another. Their advantages and disadvantages as well as level of influence are presented in below table:

**Table 1. Multistakeholder Forum and OGP decision –making models<sup>71</sup>**

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<sup>69</sup> Guidance for OGP Government Points of Contact,

[http://www.opengovpartnership.org/sites/default/files/ogp\\_2016\\_poc\\_manual.pdf](http://www.opengovpartnership.org/sites/default/files/ogp_2016_poc_manual.pdf)

<sup>70</sup> <http://en.apa.az/azerbaijani-news/social-news/government-civil-society-dialogue-platform-created-in-azerbaijan.html>

<sup>71</sup> <http://www.opengovpartnership.org/sites/default/files/Multistakeholder%20Forum%20Handbook.pdf>



Model	Implications	Advantages	Disadvantages
<b>Forum as a decision</b>	<ul style="list-style-type: none"> <li>▪ Forum has a mandate to make decision regarding certain aspects of open government policy and processes.</li> <li>▪ Government honors those decisions by instructing relevant institutions to fulfill them.</li> <li>▪ Government is accountable to the Forum and, therefore, Forum participants are more empowered.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Increase civil society participation.</li> <li>▪ Clearer link between deliberation and policies.</li> <li>▪ Empowerment is an incentive for continuous commitment by Forum participants.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Risk of overlapping or contradicting established procedures for coordination and decision-making.</li> <li>▪ Requires implementation of coordination capabilities within the Forum.</li> </ul>
<b>Forum as a consultation body</b>	<ul style="list-style-type: none"> <li>▪ The Forum plays an advisory role for input and feedback that can improve government's open government policies and project.</li> <li>▪ The Forum is accountable to government.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Allows government to follow pre-existing decision-making and coordination processes, reducing the risk of internal resistance or confusion.</li> <li>▪ As long as government argues its decision, this model can result in more viable decision that will consider public sector's context and capabilities.</li> <li>▪ Allows for greater inclusion of stakeholders' views than traditional top-down bureaucratic decision-making.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Forum participants may have the impression that their participation merely legitimizes government policies that are designed in a top-down style.</li> <li>▪ It can lead to more ceremonial dynamics among the participants, with limited discussion and an impact on actual decision-making.</li> <li>▪ If government does not offer arguments to adopt or reject the forum's recommendations, it can alienate stakeholders, reducing their will to contribute.</li> </ul>

Yet despite 4 months already passed since establishment of the government and civil society platform in Azerbaijan, its active integration into OGP process are not visible. In the meantime, the recurrence of platform meetings of OGP member countries functioning on permanent basis is varying. The international practice in this regard is depicted in below chart:

**Table 2. Frequency of meetings in some OGP countries<sup>72</sup>**

Once every two weeks	Argentina, Uruguay
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<sup>72</sup> Source: OGP Support Unit Survey of Multistakeholder Forums, August 2015, n=33

Monthly	Costa Rica, Guatemala, Malta, Panama, Sierra Leone, Tunisia
At least monthly	Montenegro, Peru
Every three monthly (quarterly)	Colombia, Estonia, Ghana, Moldova, Philippines, Tanzania
Twice a year	The Netherlands
At least twice a year	Brazil
As needed	Armenia, Chile, Croatia, Italy, Liberia, Romania (with monthly OGP meeting to discuss issues informally)

As a requirement, a decision-making process in permanent platforms should be agreed with members attending to the assembly meetings and documented accordingly. The voting procedures and rules on decision-making process should be aligned with documents regulating the activities of a platform. The decision-making process in member countries seeks to operate through a process of consensus, a simple majority voting and its mixed forms. The below table describes different experiences across the world:

**Table 3. Decision rules in different OGP countries<sup>73</sup>**

Country	Rules in place
Argentina	Consensus
Brazil	Simple majority
Chile	Consensus
Colombia	Consensus
Costa Rica	Simple majority
Croatia	Consensus with Simple majority option
Estonia	Consensus
Ghana	Consensus
Guatemala	Consensus
Malta	Simple majority
Mexico	Consensus and simple majority option
Moldova	Simple majority
Montenegro	Consensus and simple majority option
Panama	Consensus
Peru	Simple majority
Philippines	Consensus and simple majority option
Uruguay	Consensus

It is worth emphasizing in the conclusion that although Azerbaijan has joined to the OGP in 2011, it is not only a valuable multilateral initiative and relatively a new concept for Azerbaijan, but the same could be implied for all countries alike. The number of members in the OGP that was founded by 8 founding governments now exceeds 70 countries, and their size is drastically growing. This expansion and integration within the OGP are not only translated into quantitative

<sup>73</sup> <http://www.opengovpartnership.org/sites/default/files/Multistakeholder%20Forum%20Handbook.pdf>

figures, but it is also manifested in qualitative terms. In particular, the latter is progressing dynamically. In pursuit of its core values and policies, the OGP demands constant changes and innovations aimed at shaping an innovative collaboration between governments and civil societies.

## 5. Assessment of the OGP principles on second NAP

The OGP member countries are required to involve all stakeholders, including NGOs and civil society to preparation of NAP. Therefore, the involvement of civil society institutions in development of NAP is considered a great step on forging dialogue between government and NGOs, including citizens. Commitments in country action plans should be ambitious in nature. An ambitious commitment is defined as one that will show a demonstrable advancement through openness, transparency, civic participation, and accountability. The OGP guidelines talks about preparing high-quality action plan by studying the best practices and expertise of other member countries. The experience of other countries shows that the development of the NAP should go through an open and broad consultation process. Additionally, an ambitious NAP should focus on Open Government priorities, and make commitments that are meaningful and measurable to deliver a genuinely more open, transparent and participative government.

Successful OGP action plans focus on ambitious national open government priorities; are relevant to the values of transparency, accountability and public participation; and contain specific, time-bound and measureable commitments.<sup>74</sup>

**Ambitious:** OGP aims to promote ambitious open government reforms that stretch the government beyond its current state of practice, significantly improving the status quo by strengthening transparency, accountability and public participation in government. Countries may choose to initiate new open government initiatives in their action plans, or improve on existing, ongoing reforms. Countries are encouraged to show clear improvement from action plan to action plan.

**Relevant:** Countries should ensure that each commitment included in the action plan is clearly advancing one or more of the following open government principles:

**Transparency:** This includes publication of all government-held information (as opposed to only information on government activities); proactive or reactive releases of information; mechanisms to strengthen the right to information; and open access to government information.

- **Accountability:** There are rules, regulations and mechanisms in place that call upon government actors to justify their actions, act upon criticisms or requirements made of them, and accept responsibility for failure to perform with respect to laws or commitments. Commitments on accountability should typically include an answerability element, i.e. that they are not purely internal systems of accountability but involve the public.

- **Participation:** Governments seek to mobilize citizens to engage in a dialogue on government policies or programs, provide input or feedback, and make contributions that lead to more responsive, innovative and effective governance.

- **Technology and Innovation:** Governments embrace the importance of providing citizens with open access to technology, the role of new technologies in driving innovation, and the importance of increasing the capacity of citizens to use technology. E-government initiatives are welcome, but in order to be relevant to OGP, action plans should explain how these initiatives advance government transparency, accountability and/or public participation.

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<sup>74</sup> [http://www.opengovpartnership.org/sites/default/files/attachments/OGP\\_actionplan\\_guide%20FINAL\\_0.pdf](http://www.opengovpartnership.org/sites/default/files/attachments/OGP_actionplan_guide%20FINAL_0.pdf)

"National Action Plan on Open Government Promotion in 2016-2018" <sup>75</sup>approved with the order of the President of Azerbaijan Republic in 28 April of 2016 contains 11 main directions (paragraph) and 60 sub-directions (paragraph). The previous Action Plan had 9 main directions (paragraph) and 37 sub-directions (paragraph). However, "National Action Plan Combating against Corruption in 2012-2015" combined itself 28 directions (paragraph) and 150 sub-directions (paragraph).

"National Action Plan on Open Government Promotion in 2016-2018" document consists of 11 main directions (paragraph) and they are as following:

1. Improving digital (electronic) services;
2. Ensuring access to information;
3. Improving the functioning of single electronic database of normative legal acts
4. Expanding the activities of civil society members and increasing public participation - *- Supporting activities of civil society members and broadening public participation;*
5. Ensuring fiscal transparency;
6. Local self-governance institutions - *ensuring transparency in admission to the municipality service and raising awareness among municipality servants about the rules and standards on code of ethics and improving their professional capacities;*
7. Increasing transparency in extractive industries;
8. Enhancing measures and legislation on prevention of corruption;
9. Increasing transparency and liability of private sector;
10. Awareness raising and collaboration;
11. Monitoring over implementation of Action Plan and lay out its control-mechanisms.

1. **Ambitious.** The rules and regulations of national OGP call upon to develop and implement ambitious NAP in collaboration with civil society institutions. Along with this, it is required to involve the following institutions for preparation of the NAP:
  - a) OGP Support Unit - engaging with the Unit to get details on the NAP development process, available resources and international best practices;
  - b) International Reporting Mechanism - using previous Independent Reporting Mechanism (IRM) reports to identify and address areas for improvement;
  - c) Relevant Ministries - contacting and working with other government ministries involved in relevant topics. These include transparency, accountability, finance, natural resources, justice, anti-corruption, public service reform and access to information;
  - d) OGP Working Groups - collaborating with the OGP Working Groups for advice on building more ambitious commitments.

A comparative evaluation has revealed that the new action plan is less ambitious than the previous one. The second NAP does not have significant capacity to improve the status quo purely due to the reason that it does not embody many new Open Government initiatives, and main activities are channeled to carry on the existing ones.

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<sup>75</sup> [http://www.opengovpartnership.org/sites/default/files/AZ-NAP\\_16-18.doc](http://www.opengovpartnership.org/sites/default/files/AZ-NAP_16-18.doc)

2. **Relevant.** The results of conducted evaluation showed that the involvement of mainly pro-governmental NGOs in the implementation process of initial stage of the second NAP, enriched heavily on public participation, is undermining the current state of relevancy in this field. Moreover, a limited usage from inclusive public participation reduces its effectiveness.
3. **Transparency.** Compliance with increasing transparency commitment encounters worrying challenges in Azerbaijan especially over the past few years. This was due to the restrictions imposed over information accession, including late responses to submitted enquiries and decline in access to news and reports on the websites of relevant state agencies that deemed to be an open source of information.
4. **Accountability.** Majority of activities within the new NAP are based on electronic government. It should be noted that fiscal transparency and accountability related activities are fewer in number than the previous NAP. Additionally, officials have not disclosed declarations on income and properties yet. Given to afore-mentioned factors, dramatic changes on accountability are not anticipated.

**Participation.** A great virtue of the second NAP from the first one is that its main focus is driven from public participation and institutionalization. Seemingly, quasi-governmental NGOs will greatly benefit from this advantage as result of a discriminatory action in the implementation process. In fact, the inaction of Government-Civil Society Dialogue Platform which was founded in 9 September of 2016 will shrink public participation opportunities during the implementation phase of the second NAP. Similarly, dependence of the platform on government who has taken main burden in this direction will weaken effectiveness of their work as well. This platform mainly focuses by imitating conduction of awareness raising activities rather than providing input or feedback, and evaluation and monitoring in order to make contributions that lead to more responsive, innovative and effective governance. Currently, the newly adopted rules of Azerbaijan government has considerably tightened an access of the NGOs to foreign donors which make it extremely difficult for them to contribute to the public participation through alternative platforms. The Council on State Support to Non-governmental Organization is the only entity to finance public initiatives in this direction. The Council has supported the following initiatives related to implementation of the second NAP.

**Table 4. It describes the initiatives funded from “National Plan on Open Government Promotion in 2016-2018”<sup>76</sup>**

Number	Name of organisation	Name of project	Amount, in AZN <sup>77</sup>
1.	Association of European Lawyers and Students in Baku Public Union	Winter Lawyer School for Young Lawyers	8 000,0
2.	“Young Innovators” Enlargements for youth Public Union	Organization events among youth people “Let us join to public discussion”	8 000,0

<sup>76</sup> <http://www.cssn.gov.az/xeberler/20160916030211833.html>

<sup>77</sup> Official rate of 1 manat = 0,55 USD: <http://www.cbar.az/other/azn-rates>

3.	Center for against Corruption Public Union	Organize events on Apply ASAN management system for promotion of OGP	8 000,0
4.	“Rezonans” Youth Public Union	Enlargement events about the role of CSOs in the promotion of OGP	8 000,0
5.	“Information, analyses and planning” Public Union	Media support for Assessment the implementation of Azerbaijan “National Action Plan for Promotion of Open Government 2016-2018”	8 000,0
6.	“Association of quality” Public Union	Propaganda of “Open Government” conception in the education sector and monitoring of electron resources	8 000,0
7.	“Progress” Social-economic research Public Union	Organize of public debate on “Promotion of Open Government”	8 000,0

5. **Technology and innovation.** The prevalence of measures on electronic government enacted within the second NAP increases open access to technologies. In particular, the involvement of "ASAN" service in this process create a favorable climate to apply innovations. Despite the fact that these activities are relevant and aligned with the principles of OGP on technologies and innovation, however, they could not contribute to increase in transparency and accountability principles as lacking to explain how these initiatives advance government transparency, accountability and/or public participation.

OGP participating countries is required to create a National Action Plan (NAP) with civil society. Action plans should cover a two-year period and consist of a set of commitments that advance transparency, accountability, participation and/or technological innovation.

OGP participating countries shall create a National Action Plan covering a two-year period that contains specific, time-bound and measureable commitments. By signing the Open Government Declaration governments are embracing the involvement of citizens in all stages of the action plan ( preparation, implementation and monitoring). Cumulatively, civic participation is a top requirement of both the OGP and modern-day Open Government movement. Civil society should take an active participation in preparation, implementation and evaluation of the results of Open Government Action Plan developed by governments. Thus, indicators<sup>78</sup> clustered below are used to verify the fulfillment of the commitment on participation:

- (a) A ratio of public participation commitment in the national action plan to overall commitments;  
*(In the second NAP, 2 out of 11 main paragraphs, and 17 out of 60 sub-paragraphs are public participation driven)*
- (b) Conduction of both online and offline consultations amid development of the national action plan *(Online consultations were not held in the process of second NAP, and a broad*

<sup>78</sup> [http://www.opengovpartnership.org/sites/default/files/FromInformingToEmpowering\\_FullReport.pdf](http://www.opengovpartnership.org/sites/default/files/FromInformingToEmpowering_FullReport.pdf)

*offline consultation was organized only once in capital city of Baku, but with limited audience involving mainly pro-governmental NGOs)*

(c) Availability of consultation forums in the implementation process of national action plan; *(Although a format of consultation dialogue was available in the second NAP, but it was inactive)*

d) Release of at least one monitoring report by civil society institutions; *(In the first NAP, monitoring report was carried out by the Economic Research Center in joint cooperation with "Transparency Azerbaijan" organization through funding of USAID. However, monitoring report in regard to the second NAP has not been prepared yet. )*

(e) Number of NGOs in the Open Government Platform jointly established with the government, if established; *(In spite of the fact that the Platform brings together up to 35 NGOs, however; it makes the delivery of alternative thoughts impractical purely due to majority of them being quasi-governmental institutions)*

(f) Available financial resources of civil society to undertake their advocacy activities; *(NGOs represented within the Government-Civil Society Dialogue Platform implemented 7 projects on awareness raising and advocacy activities funded by the government in 2016. In the second NAP, implementation of outside projects other than the government ones was not recorded)*

(g) Level of enabling legal environment regulating the activities of NGOs, and digital (electronic) government; *(there have been 26 amendments to main and auxiliary legislative data base regulating the activities of NGOs in 2014-2016, and most of them dictates restrictive legal norms. The country is on the cusp of an electronic government )*

To sum up this section, " National Action Plan on Open Government Promotion in 2016-2018" has following strengths compared to the previous year. This can be inferred from our evaluation conducted over above mentioned components, including main paragraphs and sub-paragraphs of the second NAP.

**Some of the unfulfilled activities from previous action plan are incorporated into the new Plan.** (improvement of the structure of Ombudsman institute, facilitation of information accession, increasing public participation and others );

- **Some activities requiring regular implementation are reflected in the new Plan.** (transparency in extractive industries, improvement of a single electronic database of normative legal acts, measures on prevention of corruption, awareness raising activities on promotion of Open Government, monitoring of Program implementation, and etc.);
- **New activities on ensuring fiscal transparency and creating an enabling environment for civil society are included into the Program** (reports on execution of state budget, improving legislation on publication of information on annual financial operations, including use of funds or property allocated from state budget, by budgetary organizations and state-owned legal persons in the internet pages, strengthening supervision over publication of these reports, publishing information on state procurements by budgetary organizations in the internet pages of them);
- **The implementation period of the Program is much shorter than the previous program.** *This stipulates to double the responsibility of executive and mitigates their negligence and indifference;*
- **Combination of Plans on Open Government promotion and combat against corruption.** *Combating against corruption is one of the key principles on forming Open*

*Government, and the combination of these plans serves to mobilize all resources aimed at reaching to the goal;*

- **The relevant measures on speeding-up the adoption of Competition Code and declaration of financial sensitive information by officials were transferred to the new Plan.** *The initial part of the measures can play a vital role on creating an enabling environment for private sector, whereas the second measures will achieve transparency in relation to officials.*

"National Action Plan on Open Government Promotion in 2016-2018" has following weaknesses in comparison with the previous Plan:

- **Overload of electronic services.** *Offering electronic services in excessive amounts in the Action Plan are distracting attention from the main goal. Applying electronic services and ICT should be a tool on upholding the Values and Principles of Open Government. Therefore, the implementation of digital-driven services in the Action Plan does not ensure transparency over the work of state agencies and spending of public expenses. It is rather enabling access of people to public services and acts as a tool to weaken the bureaucracy.*
- **Inclusion of less-effective activities in the Program** ( *Rules on admission to the municipality service in local-self governance bodies, and code of ethics of municipality servants, awareness raising on economic reforms among population, integrating anti-corruption topic into educational-curriculum programs of high schools and universities, conduction of public lectures and seminars for students and so on*);
- Scarcity of activities in relation to improvement of transparency in agencies that enact financial control, including ensuring transparency and accountability in spending of public funds;
- Evaluation of commitments are clustered only with quantitative indicators in the Plan, and the absence of qualitative dimensions makes it unable to measure from this aspect;
- Prior to adoption of the Plan, civil society representatives are not engaged in public hearings on inclusive basis.



## **Appendix № 1.**

### **Open Government Initiative National Action Plan for 2012-2015**

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

Enhancement of transparency of state institutions of the Republic of Azerbaijan, provision of accountability, enlargement of public participation and application of new technologies are key principles of this Initiative. In order to improve activity of the state institutions in line with 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 Access to Information was enacted in 2005. The Commissioner for Human Rights (Ombudsman) was commissioned with the task of overseeing 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 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 May 23, 2011. According to this Decree, 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 individual 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 created 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 centres 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 signing of the Memorandum of Understanding on 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 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 visibility 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. Increasing public's 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.

## Appendix № 2. National Action Plan for 2016-2018 on Promotion of Open Government

*(Adopted with Presidential Decree of 27th April 2016)*

№	Name of measure	Evaluation indicator	Implementing agencies	Deadline
<b>1. Improvement of electronic services</b>				
1.1.	Improving “List of the types of electronic services” approved with the Decree of the Cabinet of Ministers of the Republic of Azerbaijan №191, ensuring the provision of the services enlisted in the list but which have not been fully provided and integration of new services to Electronic Government portal	Improvements in the list of types of electronic services, number of electronic services those provisions are ensured and newly integrated to the portal	Implementers: Cabinet of Ministers, central and local executive bodies, Ministry of Communications and High Technologies, State Agency for Public Services and Social Innovations near the President of the Republic of Azerbaijan	2016-2018
1.2.	Improving payment methods, mobile interface and mobile application of portal for purpose of facilitation of the access to the Electronic Government portal	Implemented measures on the improvement of the mobile interface and application of the Electronic Government portal	Implementer: Ministry of Communications and High Technologies	2016
1.3.	Implementing public awareness raising events and presentations among citizens on the capabilities and use of the Electronic Government portal	Implemented awareness raising events and presentations	Implementers: Ministry of Communications and High Technologies, central and local executive bodies	2016-2018
1.4.	Ensuring the reduction of the number of official documents and certificates required by the public institutions in regard with the application of electronic services	Information on simplified procedures and carried out measures	Implementers: Cabinet of Ministers, State Agency for Public Services and Social Innovations near the President of the Republic of Azerbaijan, Ministry of Communications and High Technologies, central and	2016-2017

			local executive bodies	
1.5.	Establishing the information system of higher education institutions, ensuring the issuance of certificates and transcripts in electronic form and processing payment of tuition fees in electronic form	Created and functioning electronic systems and their capabilities	Implementers: Higher education institutions, Ministry of Education, Ministry of Communications and High Technologies, State Agency for Public Services and Social Innovations near the President of the Republic of Azerbaijan	2017-2018
1.6.	Creating electronic service on admission of children to preschool education institutions	Creation of electronic resource and its use capabilities	Implementers: Baku City Executive Body, local executive bodies, Ministry of Communications and High Technologies	2016-2017
1.7.	Expanding the scope of the electronic admission of documents to the first grade of secondary schools, lyceums and gymnasiums and ensuring regional coverage	Measures on the inclusion the regions into the scope of the system of electronic admission of documents	Implementers: Ministry of Education, Ministry of Communications and High Technologies	2017
1.8.	Ensuring the payment of local (municipal) taxes and duties through Centralized Information System on Mass Payments of Central Bank of Azerbaijan and electronic terminals	Possibility of the payment of local taxes and duties through electronic terminals and information systems	Recommended to : Municipalities  Implementers: Central Bank, Ministry of Communications and High Technologies, State Agency for Public Services and Social Innovations near the President of the Republic of Azerbaijan	2016-2017
<b>2. Ensuring the acquisition of information</b>				

2.1.	Implementing measures for strengthening oversight capacities of the Human Rights Commissioner (Ombudsman) of the Republic of Azerbaijan over the exercising of obligations arising from the requirements of the Law On Access to Information	Information on provided resources and implemented measures	Recommended to: Human Rights Commissioner	2016-2017
2.2.	Creating legal assistance mechanisms on access to information, conduction of specialised trainings and awareness-raising activities	Established legal assistance mechanisms, number of conducted trainings and awareness-raising events	Recommended to: Human Rights Commissioner	2016-2018
2.3.	Creating unified information base of prescriptive documents regarding flats of multi-story apartments which are under-construction or constructed or accepted for exploitation, in this regard implementing measures on improving pre-registration mechanisms of real estate	Creation of unified information base and new mechanism	Implementers: State Committee on Property Issues, Ministry of Justice	2016-2017
2.4.	Developing the mobile versions of the websites of public institutions, opening of accounts in social networks or ensuring their active operation	Information about the mobile versions and implemented activities	Implementers: Central and local executive bodies	2016-2018
2.5.	Improving the functioning of the “161-hotline” of Anti-Corruption Directorate near General Prosecutor of the Republic of Azerbaijan, publication of statistical and analytical information	Report on carried out measures and publication of information	Recommended to: General Prosecutor Office	2016-2017
<b>3. Improving the functioning of the unified electronic base of normative legal acts</b>				
3.1.	Ensuring the regular update and sustainable operation of the unified electronic legislative data base ( <a href="http://www.e-qanun.az">www.e-qanun.az</a> ) and electronic version of the State Registry of Legal Acts ( <a href="http://www.huquqiaktlar.gov.az">www.huquqiaktlar.gov.az</a> )	Regular operation and update of the website	Implementers: Ministry of Justice, Ministry of Finance	2016-2018
3.2.	Improving the mobile interface of the integrated electronic base of normative legal acts ( <a href="http://www.e-qanun.az">www.e-qanun.az</a> )	Improved mobile version	Implementers: Ministry of Justice, Ministry of Finance	2017



<b>4. In the field of expansion of the activities of civil society members and increasing the public participation</b>				
<b>4.1. Supporting the activities of the civil society members</b>				
4.1.1.	Determining the support to the projects and initiatives of non-governmental organizations as the priority field which aimed at the promotion of open government principles and prevention of corruption	The form for the identification of the priority and the number of the supported projects	Implementers: Council of State Support to NGOs near the President of the Republic of Azerbaijan, central and local executive bodies	2016-2018
4.1.2.	Preparing proposals on development of enabling environment for the activity of non-governmental organizations	Prepared package of proposals	Implementers: Cabinet of Ministers, Ministry of Justice, Council of State Support to NGOs near the President of the Republic of Azerbaijan	2016
4.1.3.	Establishing civil society platform on “Open Government Partnership” and supporting its activities	Measures on establishment of Platform and ensuring its activities	Implementers: Council of State Support to NGOs near the President of the Republic of Azerbaijan, central and local executive bodies  Recommended to: Anti-Corruption Commission	2016
<b>4.2. Expansion of public participation</b>				
4.2.1.	Organizing, strengthening the activity of public councils and ensuring their sustainability	Information about the newly established public councils and their activity	Implementers: Central and local executive bodies	2016-2018
4.2.2.	Creating separate sections in the official internet resources on the composition and activities of public councils and regularly updating the information	The activity of the electron sections placed on internet resources and number of the posted information	Implementers: Central and local executive bodies	2016-2018

4.2.3.	Developing public control mechanisms for purpose of protecting rights of consumers, improving the operation of hotline number for this purpose and implementing awareness-raising measures in this regard	Application of public control mechanisms, number of requests accepted by hotline number and implemented awareness-raising events	Implementers: Ministry of Economics, Council of State Support to NGOs near the President of the Republic of Azerbaijan	2016-2018
<b>5. Ensuring financial transparency</b>				
5.1.	Applying information technologies in implementation of the state financial oversight and improving electronic control	Implemented electronic control system, measures on improvement of financial monitoring	Implementers: Ministry of Finance, Ministry of Taxes, Chambers of Accounts	2016-2018
5.2.	Expanding participation of civil society institutions in the discussions of the state budget in the National Parliament, increasing the number of the public discussions	The number of the discussions held in regard of the draft state budget	Recommended to: National Parliament	2016-2018
5.3.	Public disclosure of the annual report on execution of the state budget and the respective review of the Chamber of Accounts	Public disclosure of respective report on execution of the state budget and review	Implementers: Ministry of Finance  Recommended to: Chambers of Account	2016-2018
5.4.	Publishing quarterly reports on execution of state budget on the website	Publication of reports in the website	Implementer: Ministry of Finance	2016-2018
5.5.	Improving legislation on publication of information on annual financial operations, including use of funds or property allocated from state budget, by budgetary organizations and state-owned legal persons in the internet pages, strengthening supervision over publication of these reports	Information on prepared draft of normative legal acts and publication of information on annual financial operations	Implementers: Ministry of Finance, Ministry of Justice, respective state bodies	2016-2018
5.6.	Publishing information on state procurements by budgetary organizations in the internet pages of them	Disclosure of information on procurements	Implementers: Central and local executive bodies, Ministry of Economics, respective budgetary organizations	2016-2018
5.7.	Public awareness of financial control measures implemented in financial control objects of Chambers of Accounts	Disclosure of information on financial control measures and their number in the internet page	Recommended to: Chambers of Accounts	2016-2018

		of it.		
<b>6. In the field of the activities of the local self-governance institutions</b>				
<b>6.1. Ensuring transparency in admission to the municipality service</b>				
6.1.1.	Publishing information on the rules for the admission to the municipality service, composition of the interview commissions, existing vacancies, results of the admission and other type of information related to the admission to the municipality service on the websites of municipalities, implementing measures on creation of the centralised integrated electronic resource	Creation of the website, publishing information and number of the posted pieces of information	Recommended to : Municipalities, National Associations of Municipalities  Implementer: Ministry of Justice	2016-2017
6.1.2.	Developing specific methodological means and guidelines for the candidates wishing to apply for the admission to the municipality service and publishing them on internet resources	Prepared methodological materials, guidelines and links of them in the internet pages	Recommended to : Municipalities, National Associations of Municipalities  Implementer: Ministry of Justice	2016-2018
<b>6.2. Awareness raising of the municipality servants about the ethic rules of conduct and increasing their professionalism</b>				
6.2.1.	Conducting trainings on increasing the knowledge of the municipality servants on the rules of ethical conduct, legal knowledge and professional skills, preparation and publication of explanatory information and guidelines in internet resources	Number of conducted trainings and persons involved	Recommended to : Municipalities, National Associations of Municipalities  Implementer: Ministry of Justice	2016-2018
6.2.2.	Public awareness on the rules of ethical conduct of municipality servants	Number and scope of public awareness events	Recommended to : Municipalities, National Associations of Municipalities	2016-2018

			Implementer: Ministry of Justice	
6.2.3.	Preparing and adopting rules of ethic conduct of municipal members	Adopted normative-legal act	Recommended to : Municipalities, National Associations of Municipalities	2016-2017
<b>7. Increasing transparency in Extractive Industries</b>				
7.1.	Supporting the activities of the Multi-Stakeholder Group on implementation of Extractive Industries Transparency Initiative (EITI) in Azerbaijan, continuing cooperation and conducting trainings	Report on the number of the conducted activities and trainings	Implementer: State Oil Fund	2016-2018
<b>8. Measures in the field of prevention of corruption and improvement of legislation</b>				
8.1.	Preparing mechanisms and relevant legal acts for the prevention of the conflict of interests in the activity of the civil servants and officials	Implemented measures, prepared legislative acts and mechanisms	Implementers: Cabinet of Ministers, Ministry of Justice  Recommended to: Anti-Corruption Commission, General Prosecutor	2016-2018
8.2.	Implementing measures on submission of financial declarations by public officials	Implemented measures	Implementers: Cabinet of Ministers, Ministry of Justice  Recommended: Parliament, Anti-Corruption Commission	2017-2018
8.3.	Preparing proposals on the application of criminal-legal measures to legal persons and institution of plea bargaining in relation to corruption offences within preliminary investigation	Preparation of package of proposals	Implementers: Cabinet of Minister, Ministry of Justice  Recommended to: General Prosecutor	2016-2018
8.4.	Preparing proposals on increasing the efficiency of operative-investigation activities in the field of fight against corruption	Prepared proposals	Recommended to: General Prosecutor	2016-2017

8.5.	Preparing and adopting ethics rules of Members of the Parliament of the Republic of Azerbaijan	Adopted respective normative legal act	Recommended to: National Parliament	2016-2017
8.6.	Implementing measures on the application of governing principles applied in “ASAN service” centres and transparency standards in state bodies	Implemented measures	Implementers: Central and local executive bodies, State Agency for Public Services and Social Innovations near the President of the Republic of Azerbaijan	2016-2018
8.7.	Improving review process of entrepreneurs’ requests for purpose of solving problems faced by them and implementing respective measures	Improvements in the review process of requests	Implementers: Central and local executive bodies, Ministry of Economics, Appellation Council near the President of the Republic of Azerbaijan, Appellation councils near central and local executive bodies	2016-2018
8.8.	Preparing Action Plan (activities plan) on implementation of international requirements in field of anti-money laundering and counter-terrorist financing	Prepared or adopted action plan	Implementers: Cabinet of Ministers, Financial Market Supervision Chamber	2016
8.9.	Ensuring the public awareness of economic reforms, their purpose and essence	Implemented public awareness programs	Implementers: Ministry of Economics, central and local executive bodies	2016-2018
8.10.	Preparing proposals on delivery of public utilities services through one space based customer satisfaction and transparency principles	Prepared proposals	Implementers: “Azerlight” Open Joint Stock Company , “Azerwater” Open Joint Stock Company, “Azerigas” Production Unit of the State Oil Company	2016-2017
<b>9. Increasing transparency and responsibility in private sector</b>				
9.1.	Preparing proposals on anti-corruption, transparency, ethics and accountability standards for the purpose of ensuring transparency and prevention of corruption in private sector	Prepared proposals	Implementers: Ministry of Economics, Ministry of Taxes	2016-2017

			Recommended to: Anti-Corruption Commission	
9.2.	Conducting workshops and trainings on anti-corruption, ethics and compliance mechanisms for the purpose of ensuring transparency in private sector	Conducted workshops and trainings	Implementer: Ministry of Economics  Recommended to: Anti-Corruption Commission	2016-2018
9.3.	Preparing awareness-raising materials in order to prevent corruption in private sector and organizing the dissemination of prepared materials	Number of prepared materials and methods of dissemination	Implementers: Ministry of Economics, Ministry of Taxes	2016-2018
9.4.	Accelerating development process and adopting draft law on Competition Code	Adopted law	Recommended to: National Parliament	2016-2017
9.5.	Implementing legislative and other measures on mitigation and de-criminalization of criminal responsibility in the fields of economics	Prepared normative-legal acts and implemented measures	Implementers: Cabinet of Ministers, Ministry of Justice, Ministry of Economics  Recommended to: National Parliament, General Prosecutor	2016-2017
<b>10. Awareness and cooperation</b>				
10.1.	Improving cooperation relations with specialised international organizations in the field of anti-corruption and open government and relevant public institutions of foreign countries, carrying out measures on implementation of recommendations and requirements	Implemented joint events and level of cooperation	Recommended to: General Prosecutor, Anti-Corruption Commission  Implementers: Ministry of Justice and respective central executive bodies	2016-2018
10.2.	Developing educational-curriculum programs on anti-corruption and ethics for specific target groups including civil	Prepared educational programs, number of conducted trainings,	Recommended to: Anti-Corruption	2016-2018

	servants, conducting workshops and trainings, supporting these kinds of initiatives	workshops and involved persons	Commission, General Prosecutor  Implementers: central executive bodies	
10.3.	Including anti-corruption topics to the educational programs of higher and middle educational institutions, conducting public lectures and seminars for students	Included topics, organized lectures and number of events	Implementers: Ministry of Education, higher educational institutions  Recommended to: Anti-Corruption Commission General Prosecutor	2016-2018
10.4.	Publishing and disseminating social videos, booklets, handbooks and other awareness-raising materials on open government and prevention of corruption	Information on prepared and disseminated promotional materials	Implementers: Central and local executive bodies	2016-2018
<b>11. Monitoring of implementation of action plan and organization of control</b>				
11.1.	Taking measures for the application of informational technologies in the monitoring process of the implementation of Action Plan, appointment of the responsible persons by the state bodies for the implementation of the measures provided for in the Action Plan	Development of the online software, appointment of the responsible persons and conduct of trainings for them	Recommended to: Anti-Corruption Commission  Implementers: central and local executive bodies	2016-2018
11.2.	Organizing information exchange and efficient coordination between internal control units of state bodies and specialized anti-corruption agencies	Established coordination mechanism	Implementers: Central and local executive bodies  Recommended to: Anti-Corruption Commission General Prosecutor	2016-2018
11.3.	Providing information on the implemented measures in the field of open government and prevention of corruption in the annual reports of the Cabinet of Ministers of the Republic of Azerbaijan before the National Parliament of the Republic of Azerbaijan	Relevant information that included to reports	Implementer: Cabinet of Ministers	2016-2018

11.4.	Evaluating the implementation of the measures provided in the Action Plan and publishing information about the results	Publishing information on implementation of the Action Plan in the website	Recommended to: Anti-Corruption Commission	2016-2018
11.5.	Establishing the cooperation with the civil society institutions for the implementation of the measures provided in the Action Plan and providing support to their activities	Numbers of the supported projects	Implementers: Council of State Support to NGOs near the President of the Republic of Azerbaijan, central and local executive bodies  Recommended to: Anti-Corruption Commission	2016-2018
11.6.	Conducting specialised surveys and researches to evaluate the state of implementation of the measures related to the promotion of open government and prevention of corruption and publication of their results	Information about the conducted surveys and research	Recommended to: Anti-Corruption Commission  Implementers: central and local executive bodies	2016-2018