



Anti-Corruption Commission of the
Republic of Azerbaijan



Implementation of the National Action Plan on the promotion of Open Government for 2020-2022

MONITORING REPORT

Baku - 2021

This report was prepared by the Azerbaijan Open Government Platform within the framework of the "Monitoring of the National Action Plan for the Promotion of Open Government for 2020-2022" project implemented by the "Constitution" Research Fund with the support of the Anti-Corruption Commission of the Republic of Azerbaijan.

The report also includes the results of the monitoring of the second direction (measures to ensure financial transparency) of the "National Action Plan for the Promotion of Open Government 2020-2022" implemented under the Empowering Civil Society Organizations for Transparency project (ECSOFT). The Empowering Civil Society Organizations for Transparency project is funded by the United States Agency for International Development (USAID) and implemented jointly by MG Consulting and the Azerbaijan Open Government Platform and FHI 360.

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This monitoring report was prepared by an expert group led by Sabit Bagirov within the ECSOFT project.

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Abstract

This part of the monitoring report describes the progress and challenges of the implementation status of the NAP activities, covering the period from March 2020 to July 2021.

27 fevral 2020-cı il tarixdə AR Prezidentinin müvafiq sərəncamı ilə növbəti, "Açıq hökumətin təşviqinə dair 2020-2021-ci illər üçün Milli Fəaliyyət Planı" təsdiqlənib. Plan 9 istiqamət üzrə qruplaşdırılmış 64 tədbiri əhatə edir.

Paragraph 5.2 of the Decree of the President of the Republic of Azerbaijan on the approval of the National Action Plan recommended that civil society institutions be involved in the implementation and evaluation of measures. At the same time, one of the main principles of the Open Government Partnership is the involvement of civil society institutions in the implementation of the Action Plan.

Current monitoring implementation focuses on assessing the implementation of the activities envisaged for the NAP in 2020-2021.

The National Action Plan envisages the implementation of activities on 10 paragraphs in 2020 and 9 paragraphs in 2021. Additional important information on the implementation of two more items was added to the report.

The monitoring report also includes the results of the monitoring of the second direction of the "National Action Plan for the Promotion of Open Government for 2020-2022" (measures to ensure financial transparency) implemented under the Empowering Civil Society Organizations for Transparency project (ECSOFT). The Empowering Civil Society Organizations for Transparency project is funded by the United States Agency for International Development (USAID) and implemented jointly by MG Consulting and the Azerbaijan Open Government Platform and FHI 360.

According to the monitoring, the average implementation rate of the activities envisaged to be implemented in 21 paragraphs in the National Action Plan was 72.22%.

Activities on ten paragraphs were fully implemented, activities on 2 paragraphs were implemented under 50%.

According to the results of the monitoring carried out under the ECSOFT project, the government is showing a positive dynamics in the implementation of activities to ensure financial transparency. We can note that the existing practice in this area has improved.

A special lockdown regime has been introduced in Azerbaijan since March 4, 2019 in connection with the COVID-19 pandemic. Also, on September 27, 2020, Azerbaijan had to launch military operations to liberate the occupied territories in response to the military provocations of the Republic of Armenia. The military operations lasted until November 9, 2020. The COVID-19 pandemic and military operations had a negative impact on the implementation of the NAP. Due to this, the implementation of a number of measures has been delayed.

Significant progress includes the establishment of a single hotline for appeals to the Ombudsman, measures to assess the risk assessment system of the fight against money laundering and terrorist financing, e-services for e-notary and enforcement of court decisions, transparency in public utilities, activities to increase accountability and customer satisfaction, launch of the "Smart Village" project and increase financial transparency.

Proposals have been prepared by government agencies, the Open Government Platform and other NGOs to simplify, electronicize and improve the state registration of non-governmental organizations, including branches or representative offices of foreign non-governmental organizations, and to facilitate the access of NGOs to foreign grants. The government has discussed these issues with civil society. In 2020, the COVID-19 pandemic and the war delayed the completion of this process. The parliament will begin its autumn session on October 1, and these issues are expected to be discussed and concrete decisions taken.

Work to expand access to information and improve existing legislation and practices in this area has not been completed. In this regard, government agencies discussed amendments and additions to the legislation, and proposals were submitted to the government. Based on these proposals, changes in legislation and decision-making are delayed. Government decisions in this direction are expected to be announced by the end of 2021.

The expansion of public participation and the acceleration of the process of establishing Public Councils under the central and local executive authorities and the results achieved can be noted as progress..

At the same time, the process of increasing transparency and accountability in the private sector, the practical application of the methodology for identifying, analyzing and preventing corruption risks remains unfinished.

The results of the monitoring show that the Cabinet of Ministers is slow in analyzing the proposals put forward by government agencies to implement the measures envisaged in the NAP and making decisions based on them. Additional efforts are needed to speed up the process in this direction.

In addition, the Anti-Corruption Commission, which oversees the implementation of the NAP, is committed to accelerating the implementation of the Open Government Platform and the priority areas of civil society (strengthening information openness and accountability, creating a conducive environment for civil society, creating a corruption risk assessment system). should further strengthen control over admission. Also, public participation in these issues should also be further expanded.

Based on the past experience of the Open Government Platform, it can be noted that the process of making concrete decisions on the NAP in the second half of 2022 will be further accelerated. Experience shows that the process of coordination at the governmental level of proposals and decisions prepared by the executive bodies on the implementation of measures under the NAP is slow and therefore it is impossible to comply with the deadlines. Therefore, the coordinating role of the Anti-Corruption Commission should be further strengthened.

PURPOSE OF THE MONITORING:

The purpose of the monitoring is to provide each of all stakeholders with an independent assessment of the progress and difficulties in the implementation of the measures envisaged in the National Action Plan. The monitoring group described the developments and weak points in the implementation of the paragraphs of the National Action Plan and identified recommendations.

ABOUT NAP

On February 27, 2020, the next "National Action Plan for the Promotion of Open Government for 2020-2022" was approved by the relevant decree of the President of the Republic of Azerbaijan. The plan covers 64 events grouped in 9 areas.

Paragraph 5.2 of the Decree of the President of the Republic of Azerbaijan on the approval of the National Action Plan recommended that civil society institutions be involved in the implementation and evaluation of measures. At the same time, one of the main principles of the Open Government Partnership is the involvement of civil society institutions in the implementation of the Action Plan.

The current monitoring focuses on assessing the implementation of the activities envisaged for the NAP in 2020-2021. The activities on 19 items in the NAP are expected to be completed in 2020 and 2021. In addition to these items, items 5.1 and 5.5 were added to the monitoring, taking into account their importance and work done.

The National Action Plan envisages the implementation of activities on 10 paragraphs in 2020 and 5 paragraphs in 2021. (*Table 1*)

<i>Number of measures</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>
10			
9			
45			

Table 1: Measures grouped by the years of implementation of the NAP.

MONITORING METHODOLOGY:

The monitoring methodology of the National Action Plan was developed by experts of the "Transparency International-Russia" for Anti-Corruption Initiatives and Research Center at the request of the Transparency Azerbaijan Anti-Corruption Public Union.

This Methodology was implemented during the monitoring of the implementation of the "National Action Plan to Combat Corruption for 2012-2015" by the "Constitution" Research Foundation in the framework of the "Azerbaijan Transparency Partnership" project carried out by the "Transparency Azerbaijan Anti-Corruption" Public Union and funded by the United States Agency for International Development (USAID).

The methodology was developed to assess the implementation status of each event planned in NAP in 2016-2017 on the basis of information obtained from three types of sources:

1). An analysis of open sources (news, official reports and other publicly available information) was conducted to assess the implementation of each of the measures envisaged in the NAP. According to the methodology, the experts gave the appropriate points based on the evidence of any progress. According to the "open source data", during the assessment no progress - **0** points, evidence of some progress - **1**, clear evidence of specific activities - **2 points**.

2). Whenever possible, inquiries were sent to assess the performance of government agencies. Based on the data obtained, the progress rate was rated on a scale of 0 to 2. For non-response or negative response - **0 points**, evidence of some progress - **1**, clear evidence of specific activities - **2 points**.

3). According to the information gained from the requests responded by NGOs, a similar assessment procedure is envisaged.

SUMMARY OF MONITORING RESULTS

IMPLEMENTATION STATUS OF NAP BY PARAGRAPHS

This part of the report describes the progress and challenges related to the implementation of the NAP measures, covering the period from March 2020 to July 2020. According to the methodology, it is possible to assess the implementation status of each measure in the **zero-six range (0-6)** with appropriate points.

Direction 1 (Measures to prevent corruption and strengthen transparency in the activities of government agencies)

Activities on paragraphs 1.1, 1.5 and 1.8 of the NAP in the first direction are planned to be implemented in 2020.

Assessment on directions: 35 points/72.92%

1.1. Development of a methodology for identifying, analyzing and preventing corruption risks, taking into account the best international practices:

Implemented by: Prosecutor's Office, Anti-Corruption Commission

Implementation period: 2020

Indicators: Development of methodology and its use

During the monitoring process, the General Prosecutor's Office in its response to a survey mentioned that a methodology for identifying, analyzing and preventing corruption risks had been developed and would soon be posted on the official website, as well as on the Anti-Corruption Commission's website. The Methodology was not posted on the mentioned sites until 14.08.2021, when the monitoring report was completed. NGOs members of the Open Government Platform said they were aware of the preparation of this document, and representatives of the General Prosecutor's Office said this at a meeting with NGOs on the development of a new national anti-corruption action plan¹.

In addition, the Head Office for Combating Corruption under the Prosecutor General has prepared, published and posted on the website of the General Prosecutor's Office the "Anti-corruption standards in the private sector"² in 2021.

Assessment on paragraph **1.1: 3 points**

¹ <http://antikorrupsiya.gov.az/view.php?lang=az&menu=3&id=506>

² <https://genprosecutor.gov.az/storage/pages/QaowfAc1YmxbqNhUQyNPFHCsp3Fdb7qiSD5JvKpg.pdf>

1.5. Organization of e-learning course for government officers on anti-corruption and ethical behavior rules.

Implemented by: State Examination Center

Implementation period: 2020

Indicators: E-learning course activity.

During the monitoring process, the General Prosecutor's Office in its response to an information survey mentioned that training modules on various topics related to the civil service were developed and trainings were organized. At the same time, the Center has developed 10 training modules and their programs on human resource management for senior government officers. At the same time, training modules on "Issues of application of ethical behavior rules in the civil service", "Fight against corruption", "Ethical rules and anti-corruption" and "Prevention of conflicts of interest" topics were developed.

This information was also mentioned in the interview of the Chairman of the Board of Directors of the State Examination Center to the media on 09.04.2021³.

NGOs, members of the Open Government Platform said they were aware of the development of training modules. However, there is no open source information on the trainings, the composition and number of participants, and the measurement of results of these modules.

Assessment on paragraph **1.5**: **3 points**

1.8. Establishment of a single hot line for requests to the Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan in order to expand the opportunities for citizens' requests and increase the efficiency of request processing.

Implemented by: Commissioner for Human Rights (Ombudsman) of the Republic of Azerbaijan.

Implementation period: 2020.

Indicators: Measures related to the establishment of the hotline.

In September 2020, the Unified Call Center No. 916 was established by the Ombudsman by combining the two existing hotlines in one center and using modern information technologies. To apply to the Call Center, you can call 916 from city numbers, and 012-916 from regions and mobile numbers of the republic. Conversations are recorded and entered into the database electronically, which, unlike the previous period, does not require a written request after a telephone call⁴.

With the support and participation of the Ombudsman, a number of secondary schools organized extensive events and discussions within the project "Gender Violence - a Tragedy of Our Society", as well as detailed information on the rules of applying to the Ombudsman and the Ombudsman's 916 Call Center.

³ http://dim.gov.az/news/6456/?sphrase_id=1058936

⁴ <https://ombudsman.az/az/view/news/2022/ombudsmanin-yeni-chagri-merkezi-istifadeye-verilib>

Assessment on paragraph 1.8: 6 points

Direction 2 (Measures to ensure financial transparency)

Activities in this direction in accordance with paragraph 2.12 of the NAP are planned to be implemented in 2020.

Assessment on direction: 19 points/ 63.3%

2.12. Disclosure of opinions of the Chamber of Accounts on the execution of the state budget and budgets of extra-budgetary state funds and semi-annual and annual reports on the annual activities of the Chamber of Accounts in the official website of the Chamber.

Implemented by: The Chamber of Accounts

Implementation period: 2020

Indicators: **Measures related to the placement of data in the official Internet information resources**

Opinions of the Chamber of Accounts on the implementation of the state budget and budgets of extra-budgetary state funds in 2020 and semi-annual and annual reports on the annual activities of the Chamber of Accounts are posted on the official website of the Chamber⁵⁶. The report on the Chamber's activities for the first half of 2021 has also been posted on the official website.

Assessment on paragraph 2.12.: 6 points

Direction 3 (Measures to combat criminally obtained funds or the legalization of other property and the financing of terrorism)

Activities in this direction on paragraphs 3.1, 3.2, 3.8, 3.9 are planned to be implemented in 2020.

Assessment on direction: 18 points/100%

3.1. Improving legislation and establishing a coordination mechanism to ensure periodic risk assessment (hereinafter - risk assessment) of the system for combating legalization of criminally obtained money or other property and financing of terrorism.

⁵ <https://sai.gov.az/filter?type=rej>

⁶ <https://sai.gov.az/filter?type=fealiyyet-hesabati>

Implemented by: Cabinet of Ministers, Ministry of Economy, Financial Monitoring Service, Ministry of Justice

Implementation period: 2020

Indicators: Preparation and adoption of relevant normative legal act

On October 21, 2020, the Cabinet of Ministers adopted a Resolution Resolution No. 404 "On some measures on ensuring periodic risk assessment of the system for combating money laundering and terrorist financing, preparation for assessment in the relevant field and establishment of a coordination mechanism for this purpose". With this Resolution, a Coordination Council was established consisting of leaders of government agencies, as well as public associations⁷.

The Azerbaijan Banks Association, the Azerbaijan Insurers Association and the Azerbaijan Stock Market Participants Association are also represented on the Coordination Council.

Assessment on paragraph 3.1: 6 points

3.2. Identify the methodology required to conduct a risk assessment

Implemented by: Ministry of Economy, Financial Monitoring Service

Implementation period: 2020

Indicators: Measures taken to determine the methodology

Working Groups have been established to develop the necessary methodology for risk assessment. As a response to a request from the Ministry of Economy, it was stated that on December 25, 2020, the first meeting of the Coordinating Council was held with the propose to discuss issues of implementation of the National Risk Assessment (NRA) of the Anti-Money Laundering and Anti-Terrorist Financing (ML / ATF) system, preparation for the 5th round evaluation by the relevant expert committee of the Council of Europe (MONEYVAL) and other issues⁸.

Relevant working groups have been established for cooperation with the Council of Europe under the "Partnership for Good Governance" program for strategic analysis and risk assessment in specific areas, and with the United States Agency for International Development next year for ML / ATF risk assessment for non-governmental organizations, as well as for the evaluation of the ML / ATF system⁹.

Assessment on paragraph 3.2: 3 points

3.8. Establishment in the legislation of the norms of international agreements to which the Republic of Azerbaijan is a party in the fight against money laundering and terrorist financing, as

⁷ <http://www.e-qanun.az/framework/46756>

⁸ <https://economy.gov.az/article/koordinasiya-shurasinin-ilk-iclas-kechirilib/31461>

⁹ <http://www.iqtisadi.az/az/moneyval-azerbaycanin-qiymetlendirilmesinin-5-ci-merhelesine-hazirlasir/>

well as improvement of normative legal acts on determining the information on the beneficial owner.

Implemented by: Cabinet of Ministers, Ministry of Economy, Financial Monitoring Service

Implementation period: 2020-2021

Indicators: Prepared normative legal acts

The EU Good Governance Partnership Program is being implemented in April 2014. The second phase of the program (GGP-II) began in 2019 and will last until 2021. The aim of the project is to implement institutional reforms aimed at strengthening the capacity of the Azerbaijani government to prevent money laundering and terrorist financing in accordance with European and international standards, and to combat and recover funds obtained through crime. As response to a request from the Financial Monitoring Service, the project was prepared by the Financial Monitoring Service with the involvement of an international expert on legislative drafts on "Combating money laundering and terrorist financing" and "Targeted financial sanctions".

A working group consisting of representatives of the Financial Monitoring Service and the State Tax Service was established in January 2020 to bring the legislation of the Republic of Azerbaijan in line with the recommendations of the International Group on combating financial crimes (FATF) of the Organization for Economic Cooperation and Development (OECD). In the working group, the beneficiary owner is considered to be the information included in the state register of legal entities, the beneficiary is identified, whether this information is open to the public, and other related issues were discussed¹⁰.

NGOs, members of the Open Government Platform, independent experts participated in discussions on improving the legislation on disclosure of beneficial ownership. Proposals of NGOs in this regard have been submitted¹¹.

Assessment on paragraph 3.8: 3 points

3.9. Develop an action plan to ensure cooperation with international organizations specializing in the fight against money laundering and terrorist financing and to prepare for the assessment procedures carried out.

Implemented by: The Cabinet of Ministers, the Ministry of Economy, the Financial Monitoring Service and relevant government agencies

Implementation period: 2020

Indicators: Adoption of an Action Plan

In response to a survey the Ministry of Economy mentioned that, as part of comprehensive preparations for the 5th round assessment to be conducted by the MONEYVAL

¹⁰ <https://www.coe.int/en/web/corruption/-/towards-an-improved-framework-for-transparency-of-beneficial-ownership-in-azerbaijan>

¹¹ <http://nhmt-az.org/frontend/pages/corruption-inner.php?id=178>

Committee of the Council of Europe the Ministry of Economy held talks with experts with experience in international organizations and signed an agreement on consulting services.

At the same time, within the framework of the second phase of the EU Good Governance Partnership (GGP) project "Strengthening the fight against money laundering and asset recovery in Azerbaijan" on July 13-17 this year participation of employees of the State Tax Service participated in a training course on "Methods of data analysis: Microsoft Power JV", as well as on "Implementation of the Warsaw Convention" held on July 24 was provided¹². Also, the participation of an employee of the State Tax Service in the 2-week program on "Investigation of Financial Crimes" to be organized by the International Academy for the Investigation of Tax Crimes of the OECD on September 7-18 this year was confirmed. According to the agenda of the program, the issue of money laundering will be discussed among other topics as well.

3.9. Assessment on paragraph: 6 points

Direction 4 (Measures to improve public services)

Activities in this direction on items **4.6, 4.9, 4.11** are planned to be completed in 2021.

Assessment on direction: 18 points/100%

4.6. Improving and ensuring the operation of the mechanism of pre-registration of rights to apartments in unlicensed apartment buildings, creating appropriate conditions for real-time verification of rights to such apartments through the Internet information resource

Implemented by: Cabinet of Ministers, Ministry of Economy, State Committee for Urban Planning and Architecture

Implementation period: 2020-2021

Indicators: Ensuring the operation of a single database and a new mechanism

As response to a survey the Ministry of Economy stated that the draft law "On Amendments to the Law of the Republic of Azerbaijan on the State Register of Real Estate" was prepared by the Ministry and submitted to the Ministry of Justice. The Ministry also submitted proposals to the Cabinet of Ministers on additional amendments to the legislation in this regard.

Assessment on paragraph 4.6: 2 points

4.9. Increasing the number of electronic services provided to individuals and legal entities through the "Electronic Notary" and "Electronic implementation" information systems.

¹² <https://rm.coe.int/prems-182719-az-1507-council-and-european-union-partnership-for-good-g/16809c3c40>

Implemented by: Ministry of Justice

Implementation period: 2020-2021

Indicators: Measures related to the creation of electronic services

In 2019, the Ministry of Justice launched the "Mobile Notary" application ¹³. Work is underway to increase the functionality of the Mobile Notary, which currently has about 120,000 users, and credentials for representation in various agencies, including government agencies, departments, organizations and enterprises, legal entities, utilities, mobile operators are given¹⁴.

Power of attorney authorizing other persons to carry out work in this regard has been added to formalize the right of inheritance.

It is possible to apply electronically for the consent of the spouses and persons registered at the same address to dispose of real estate through the application of "Mobile Notary".

The registration procedure has been simplified to make it easier to use the Mobile Notary, and citizens of the Republic of Azerbaijan can now register via video, regardless of their place of residence.

The courts provided information on all power of attorney issued on the basis of integration between the "Electronic Notary" and "Electronic Court" information systems.

In order to improve the access of banks to justice services, "Electronic notary booths" have been launched in banks in order to organize the provision of remote notarial services as a pilot project. The same services are also organized in "DOST" centers ¹⁵¹⁶.

In order to prevent additional time loss by going to the banks, the "Electronic Execution" information system currently provides "ASAN payment" and "E-government" portals for debts related to the execution of court and other decisions, including alimony, loans, fines and other payments, as well as Allows cashless implementation through various mobile applications.

If a person restricted from leaving the country pays his / her debt in cash or through terminals, the information is transmitted to the State Border Service in real time and the restriction is automatically removed.

Assessment on paragraph 4.9: 6 points

4.11. Conduct research on the application of the "Smart City" concept and identify opportunities for pilot projects.

¹³ <https://www.justice.gov.az/documents/telimat.pdf>

¹⁴ <https://www.istiqlal.az/az%C9%99rbaycanda-mobil-notariat-istifad%C9%99cil%C9%99rinin-sayi-120-min%C9%99-catir/>

¹⁵

https://azertag.az/xeber/Adliyye_Nazirliyi_bank_sektorunda_ve_vetendaslara_yaradilan_reqemsal_imkanlara_mobil_e_dliyye_xidmetlerine_dair_onlayn_brifinq_kechirib-1734835

¹⁶ <https://www.justice.gov.az/news/2410>

Implemented by: Ministry of Transport, Communications and High Technologies, State Agency for Citizen Services and Social Innovations under the President of the Republic of Azerbaijan, State Committee for Urban Planning and Architecture

Implementation period: 2020-2021

Indicators: Proposals on the application of the concept of "Smart City"

On April 19, 2021, the Order of the President of the Republic of Azerbaijan on the development of the concept of "Smart City" and "Smart Village" was signed. According to the order, a working group consisting of representatives of government agencies and companies headed by the Minister of Transport, Communications and High Technologies was established.

On April 26, 2021, the "Smart Village" project was established in the village of Aghali, Zangilan region of Azerbaijan liberated from Armenian occupation¹⁷. The "Smart Village" pilot project covers the 1st, 2nd and 3rd Aghali villages of Zangilan. The project will be implemented mainly on 5 components. They are housing, manufacturing, social services, "smart agriculture" and alternative energy. Initially, it is planned to build 200 individual houses in the area using fully insulated and innovative construction materials¹⁸.

Assessment on paragraph 4.11: 6 points

Direction 5 (Measures to expand the activities of civil society members, increase public control and public participation)

Activities in this direction on items 5.2, 5.3 are expected to be completed in 2021. This monitoring report also includes information on the activities carried out under Article 5.1 in 2020 and 2021.

Assessment on direction: 18 points/100%

5.1. Take measures to expand and improve the activities of civil society institutions in accordance with the principles of open government, increase support for projects and initiatives of non-governmental organizations.

Implemented by: Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan

Implementation period: 2020-2022

Indicators: Number of activities and supported projects and initiatives involving non-governmental organizations

¹⁷ <https://apa.az/az/xeber/daxili-siyaset/Dovlt-bascisi-Zngilan-rayonunda-birinci-agilli-knd-layihisi-icra-edilck-629387>

¹⁸ <https://report.az/ask/zengilanin-agali-kend-sakinleri-agilli-kend-de-apanilan-islerle-tanis-olub/>

The Council for State Support to Non-Governmental Organizations together with the Anti-Corruption Commission announces a Grant Competition in 2020 on "Research and Conduct in the Field of Promoting Open Government and Combating Corruption". According to the results of the grant competition, 5 projects of 5 NGOs were funded and 46,500 manat were allocated to them.

With a grant from the Council for State Support to Non-Governmental Organizations, the Constitutional Research Foundation conducted an analysis of the legislation governing the activities of NGOs, as well as the elimination of barriers to the application of new advanced methods and tools in NGO funding, submitted to relevant government agencies.

In 2020, the Council of State Support to Non-Governmental Organizations supported the activities of the Open Government Platform. The platform's website www.ogp.org.az is available in Azerbaijani and English. A booklet on the platform's activities has been published in Azerbaijani, Russian and English. 10 educational articles on the goals, mission and activities of the platform were published in the media. The platform's "Open Government" online television also continued to operate. During this period, 8 live broadcasts, 5 debates and 3 interviews on Open Government Reforms were broadcast on TV. A webinar on "Monitoring tools and methods" was organized for the members of the platform. A conference was held with the participation of NGOs, members of the platform, to discuss the "National Action Plan for the Promotion of Open Government 2020-2022".¹⁹

Assessment on paragraph 5.1: 6 points

5.2. Preparation and adoption of proposals on simplification, electronicization and improvement of state registration of non-governmental organizations, including branches or representative offices of foreign non-governmental organizations.

Implemented by: Ministry of Justice

Implementation period: 2020-2021

Indicators: Prepared package of proposals and adopted normative legal acts

The Ministry of Justice has developed a new version of the "Individual Electronic Window" electronic information system and put it into operation in test mode. The new e-services organized in the system allow for state registration of changes in the founding documents of NGOs, as well as registered registry information, as well as electronic submission of documents on the allocation of funds to the ministry and obtaining registration documents electronically²⁰. At the same time, it will be possible to submit documents on state registration of NGOs, as well as notifications on registration of grants and service contracts electronically. In order to regulate the procedure for obtaining information on documents required for state registration of non-profit organizations without requiring citizens, a draft law on amendments

¹⁹

<http://cssn.gov.az/documents/A%C3%A7%C4%B1q%20h%C3%B6kum%C9%99tin%20t%C9%99%C5%9Fviqin%C9%99%20dair%202020%E2%80%932022-ci%20ill%C9%99r%20%C3%BC%C3%A7%C3%BCn%20Milli%20F%C9%99aliyy%C9%99t%20Plan%C4%B1.pdf>

²⁰ <https://justice.gov.az/news/2533>

to the Law on State Registration and State Register of Legal Entities was prepared jointly with the State Agency for Citizen Services and Social Innovations. Submitted to the Cabinet of Ministers in 2020.

The Azerbaijan Open Government Platform has prepared a package of proposals to simplify the state registration of branches or representative offices of non-governmental organizations, including foreign non-governmental organizations, and submitted them to the Presidential Administration and Parliament.

The Agency for State Support to Non-Governmental Organizations has prepared proposals on changes in the NGO legislation. The proposals include simplification of registration of grant-funded projects, improvement of the procedure for registration of NGOs and simplification of other related documentation.²¹ The proposals were submitted to the Presidential Administration on behalf of the Agency.

NGOs, human rights activists, and members of the Open Government Platform are involved in the process of amending the NGO legislation. They took an active part in the preparation of these proposals ²². The autumn session of the parliament is expected to start on October 1, and changes to the NGO legislation will be discussed at this session.

Assessment on paragraph 5.2: 3 points

5.3. Preparation and adoption of proposals on simplification, electronicization and improvement of procedures for registration of grant agreements (decisions).

Implementation period: 2020-2021

Indicators: Prepared package of proposals and adopted normative legal acts

The Azerbaijan Open Government Platform has prepared a package of proposals to simplify the state registration of branches or representative offices of non-governmental organizations, including foreign non-governmental organizations, and submitted them to the Presidential Administration and Parliament.

The Agency for State Support to Non-Governmental Organizations has prepared proposals on changes in the NGO legislation. The proposals include simplification of registration of grant-funded projects, improvement of the procedure for registration of NGOs and simplification of other related documentation.²³ The proposals were submitted to the Presidential Administration on behalf of the Agency.

NGOs, human rights activists, and members of the Open Government Platform are involved in the process of amending the NGO legislation. They took an active part in the

²¹ <https://sherg.az/x%C9%99b%C9%99r/171528>

²² <https://www.amerikaninsezi.org/a/h%C3%BCquq-m%C3%BCdafi%C9%99C3%A7il%C9%99rinin-prezidentin-k%C3%B6m%C9%99k%C3%A7isi-il%C9%99-g%C3%B6r%C3%BCC5%9F%C3%BCnd%C9%99-qht-l%C9%99rin-problemi-diqq%C9%99t-m%C9%99rk%C9%99zind%C9%99-olub-/5990202.html>

²³ <https://sherg.az/x%C9%99b%C9%99r/171528>

preparation of these proposals ²⁴. The autumn session of the parliament is expected to start on October 1, and changes to the NGO legislation will be discussed at this session.

Assessment on paragraph 5.3: 3 points

5.5. Increasing the importance of public councils, increasing the number of public councils established in government agencies, expanding the scope of issues discussed in councils, strengthening awareness and propaganda work on the activities of public councils and their coverage on official Internet resources of government agencies

Implemented by: Central and local executive authorities, public legal entities established on behalf of the state

Implementation period: 2020-2022

Indicators: Information on the activities of public councils

Starting from 2020, the process of establishing Public Councils under the central and local executive authorities has been accelerated. The first meeting of the new Anti-Corruption Commission was held on September 15, 2020. At the meeting, instructions were given to government agencies to accelerate the work on the establishment of Public Councils.

At present, 10 Ministries, 2 state committees, 1 state agency, 2 public legal entities, 2 controlling stakes in the state-owned open joint-stock company, more than 22 places under the executive authorities Public Councils have been established²⁵. One ministry and two state committees have started procedures for elections to the Public Councils. Two more ministries, the Ministry of Finance and the Ministry of Defense, are expected to begin the process soon.

Assessment on paragraph 5.5: 6 points

Direction 6 (Measures to ensure access to information)

In this direction, the activities on items **6.1** and **6.2** in this direction are expected to be completed in 2021.

Assessment on direction: 18 points/100%

²⁴ <https://www.amerikaninsesi.org/a/h%C3%BCquq-m%C3%BCdafi%C9%99%C3%A7il%C9%99rinin-prezidentin-k%C3%B6m%C9%99k%C3%A7isi-il%C9%99-g%C3%B6r%C3%BC%C5%9F%C3%BCnd%C9%99-qht-l%C9%99rin-problemi-diqq%C9%99t-m%C9%99rk%C9%99zind%C9%99-olub-/5990202.html>

²⁵ <https://ictimaishura.az/councils/az>

6.1. Preparation of proposals for amendments to the Law of the Republic of Azerbaijan "On Access to Information" and other legislative acts to improve the procedures for disclosure of information, as well as to establish appropriate mechanisms and conditions to ensure the use of public information.

Implemented by: Cabinet of Ministers, Ministry of Justice, State Agency for Citizen Services and Social Innovations under the President of the Republic of Azerbaijan

Implementation period: 2020-2021

Indicators: Draft normative legal acts submitted

The Ministry of Justice has prepared a draft law on amendments to the Law on Access to Information, taking into account the numerous proposals of the Ministry of Transport, Communications and High Technologies, the State Agency for Citizen Services and Social Innovations, the Commissioner for Human Rights (Ombudsman). The Open Government Platform participated in discussions on amendments to the law. The platform presented its proposals. However, the draft amendments to the Law on Access to Information have not yet been presented to the public.

Assessment on paragraph 6.1: 4 points

6.2. Establish rules for the formation of data sets in accordance with international standards for the purpose of disclosure of information

Implemented by: Cabinet of Ministers, Ministry of Justice, State Agency for Citizen Services and Social Innovations under the President of the Republic of Azerbaijan

Implementation period: 2020-2021

Indicators: Prepared rules

In response to the information request, the Ministry of Justice stated that the Ministry of Justice had submitted proposals to the Ministry of Transport, Communications and High Technologies, the State Agency for Citizen Services and Social Innovations, and the Commissioner for Human Rights (Ombudsman) and other relevant structures. Work is underway to analyze the proposals received from these organizations and prepare a project.

Assessment on paragraph 6.2: 3 points

Direction 7 (Measures to ensure accountability, transparency and public participation in local self-government)

In this direction, the activity on item 7.1 in this direction is expected to be implemented and completed in 2020.

Assessment on direction: 18 points/100%

7.1. Establishment of a permanent public council with the participation of national associations of municipalities and public representatives.

Implemented by: Ministry of Justice, Recommended: National Associations of Municipalities

Implementation period: 2020

Indicators: Measures to establish and ensure the activities of the Public Council

In response to a request from the Ministry of Justice, it was stated that documents on the establishment of public councils have been prepared. However, due to the COVID-19 pandemic and war conditions, it was not possible to hold elections to public councils.

Assessment on paragraph 7.1: 1 point

Direction 8 (Measures to increase transparency and accountability in the private sector)

Activities in this direction under item 8.1 are expected to be completed in 2021.

Assessment on direction: 18 points/100%

8.1. Preparation of proposals to eliminate the shadow economy, strengthen the requirements for transparency, anti-corruption and accountability in the activities of business entities.

Implemented by: Cabinet of Ministers, Ministry of Economy, Recommended: Prosecutor General's Office

Implementation period: 2020-2021

Indicators: Proposals to increase transparency and accountability in the private sector

Proposals on draft laws prepared by the Prosecutor General's Office and the Ministry of Economy to reduce the level of the shadow economy, ensure transparency and equality, and prevent tax evasion have been submitted to the Cabinet of Ministers.

The General Directorate for Combating Corruption under the Prosecutor General's Office has prepared, published and posted on the website of the Prosecutor General's Office "Anti-corruption standards in the private sector" in 2021.²⁶

²⁶ <https://genprosecutor.gov.az/storage/pages/QaowfAc1YmxbqNhUQyNPFHCsp3Fdb7qiSD5JvKpg.pdf>

Assessment on paragraph 8.1: 6 points

Direction 9 (Measures to increase transparency, accountability and customer satisfaction in public utilities)

Activities in this direction under paragraphs 9.2 and 9.3 are expected to be completed in 2020.

Assessment on direction: 18 points/100%

9.1. Improving the legislation on harmonization of standards, as well as other existing technical norms and requirements related to the issuance of technical conditions by natural gas, water and electricity supply agencies, calculation of payments for the reconstruction of relevant infrastructure and determining the total cost of relevant work.

Implemented by: Cabinet of Ministers, Ministry of Energy, Ministry of Justice, “Azerenergy” Open Joint Stock Company, “Azerishig” Open Joint Stock Company, “Azersu” Open Joint Stock Company, “Azerigas” Production Association of the State Oil Company of the Republic of Azerbaijan

Implementation period: 2020

Indicators: Adoption of relevant normative legal acts

Paragraph 4.2 of the Order of the Cabinet of Ministers dated April 11, 2020 instructed the Ministry of Energy to submit proposals to the Cabinet of Ministers of the Republic of Azerbaijan within five months to improve the provisions related to the implementation of paragraph 9.2 of the National Action Plan.

In connection with the implementation of the assignment, the “Rules for technological connection of construction facilities to the electricity network or additional energy (power)” and “Rules for technological connection of construction facilities to the gas distribution network or additional gas volume” and related normative legal acts were prepared and approved. submitted to government agencies.

At the same time, Azersu OJSC was requested to submit relevant proposals in the field of water supply, including draft normative legal acts.

In order to computerize the process of connecting construction facilities to utilities (electricity and gas supply networks) with the application of a unified approach, the "Rules for the preparation and issuance of technical conditions, project documents for electricity (capacity) of some construction facilities, as well as connection to the power supply network" on February 26,

2020, the Cabinet of Ministers of the Republic of Azerbaijan submitted to the Cabinet of Ministers of the Republic of Azerbaijan the "Rules for preparation and issuance of technical conditions, project documents for gas supply of some construction facilities, as well as connection to the gas distribution network".

The draft Resolution of the Cabinet of Ministers of the Republic of Azerbaijan "On Amendments to the " Rules of Use of Electricity "approved by the Resolution No. 18 of the Cabinet of Ministers of the Republic of Azerbaijan dated February 2, 2005" was prepared and approved by the Cabinet of Ministers Resolution No. 198 of June 9, 2020 Approved. Due to the COVID-19 pandemic, it was not possible to implement normative legal acts in the required time.

Assessment on paragraph 9.1: 6 points

9.3. Establishment of a section for receiving comments, suggestions and complaints related to utilities in the Unified Information System of Utilities.

Implemented by: "Azerishig" Open Joint Stock Company, "Azersu" Open Joint Stock Company, "Azerigas" Production Association of the State Oil Company of the Republic of Azerbaijan, State Agency for Citizen Services and Social Innovations under the President of the Republic of Azerbaijan

Implementation period: 2020

Indicators: Measures taken to establish the section

The current situation with the implementation of paragraph 9.1 of the "National Action Plan of the Ministry of Energy" in conjunction with the relevant agencies was analyzed. It was determined that 4 types of services can be fully electronic on "Azerishig" OJSC, 2 on "Azersu" OJSC, 14 on "Azerigas" PU, and 9 on "Azeristiliktechizat" OJSC. In order to expand this work, payments were made through Egov, services were reflected in the relevant section of the website asan.gov.az and other proposals were prepared and submitted to the Cabinet of Ministers.

The concept of the Unified Call Center for the implementation of item 9.3 of the National Action Plan was prepared and submitted to the Cabinet of Ministers.

The Ministry of Energy has been entrusted with the functions of the operator of the Unified Information System of Utilities by the Decree of the President of the Republic of Azerbaijan on the approval of the "Rules for the formation, maintenance, integration and archiving of state information resources and systems" and some measures related to e-government.

In response to the survey, the Ministry said that the establishment of a section for receiving feedback, suggestions and complaints on utilities in the Unified Information System of Utilities and the establishment of a single Call Center for Utilities is underway.

Assessment on paragraph 9.3: 3 points

Results

Activities on 10 items were fully implemented, only 2 items were implemented less than 50%. Activities on 10 items were fully implemented, the implementation percentage for only 2 items were less than 50%.

According to the results of the monitoring carried out under the ECSOFT project, the government is showing a positive dynamics in the implementation of activities to ensure financial transparency. We can add that the existing practice in this area has improved.

NAP items	Maximum score	Actual score	Percentage of implementation %
1,1	6	3	50,00
1,5	6	3	50,00
1,8	6	6	100,00
2,12	6	6	100,00
3,1	6	6	100,00
3,2	6	3	50,00
3,8	6	3	50,00
3,9	6	6	100,00
4,6	6	2	33,33
4,9	6	6	100,00
4,11	6	6	100,00
5,1	6	6	100,00
5,2	6	3	50,00
5,3	6	3	50,00
5,5	6	6	100,00
6,1	6	4	66,67
6,2	6	3	50,00
7,1	6	1	16,67
8,1	6	6	100,00
9,2	6	6	100,00
9,3	6	3	50,00
The average implementation percentage			72,22

A special quarantine regime has been announced in Azerbaijan since March 4, 2019 in connection with the COVID-19 pandemic. In addition, on September 27, 2020, Azerbaijan had to launch military operations to liberate the occupied territories in response to the military provocations of the Republic of Armenia. The military operations lasted until November 9, 2020. The COVID-19 pandemic and military operations had a negative impact on the implementation of the NAP. Due to this, the implementation of a number of measures has been delayed.

The establishment of a hotline for appeals to the Ombudsman, measures to assess the risk assessment system of the fight against money laundering and terrorist financing, provision of e-services for e-notary and enforcement of court decisions, increase of transparency in public utilities, of accountability and customer satisfaction, to launch the Smart Village project, and to increase financial transparency can be mentioned as significant progress.

Proposals have been prepared by government agencies, the Open Government Platform and other NGOs to simplify, electronicize and improve the state registration of non-governmental organizations, including branches or representative offices of foreign non-governmental organizations, and to facilitate the access of NGOs to foreign grants. The government has discussed these issues with civil society. In 2020, the COVID-19 pandemic and the war delayed the completion of this process. The parliament will begin its autumn session on October 1, and these issues are expected to be discussed and concrete decisions will be made.

Work to expand access to information and improve existing legislation and practices in this area has not been completed. In this regard, government agencies discussed amendments and additions to the legislation, and proposals were submitted to the government. Based on these proposals, changes in legislation and decision-making are delayed. Government decisions in this direction are expected by the end of 2021.

The expansion of public participation and the acceleration of the process of establishing Public Councils under the central and local executive authorities and the results achieved can be noted as progress.

At the same time, the process of increasing transparency and accountability in the private sector, the practical application of the methodology for identifying, analyzing and preventing corruption risks remains unfinished.

The results of the monitoring show that the Cabinet of Ministers is slow in analyzing the proposals put forward by government agencies to implement the measures envisaged in the NAP and making decisions based on them. Additional efforts are needed to speed up the process in this direction.

In addition, the Anti-Corruption Commission, which oversees the implementation of the NAP, is committed to accelerating the implementation of the priority areas of the Open Government Platform and civil society (access to information and strengthening of accountability, creating a conducive environment for civil society, creating a corruption risk assessment system) and to strengthening decision making control. Public participation in these issues should also be further expanded.

Based on the past experience of the Open Government Platform, it can be noted that the process of making concrete decisions on the NAP in the second half of 2022 will be further accelerated. According to the experiences, the process of coordination at the governmental level of proposals and decisions prepared by the executive bodies on the implementation of measures under the NAP delays and therefore it is impossible to comply with the deadlines. Therefore, the coordinating role of the Anti-Corruption Commission should be further strengthened.

It is recommended to take measures that will lead to more effective implementation of the legislation on access to information and contribute to the elimination of problems in this area.

There is a need to continue legislative reforms to improve the functioning of civil society in Azerbaijan.

It is recommended to ensure the active participation of representatives of civil society institutions in the discussions of the draft state budget in the standing committees of the Milli Majlis.

Assessing the impact of anti-corruption measures reveals a problem with a lack of public opinion polls and research. In recent years, there has been a serious decline in this area.

Measures to increase transparency, accountability and public participation in the activities of local self-government bodies should be kept in mind and control over their implementation should be strengthened.

There is a need for additional efforts to apply the principles of operation and transparency standards guided by the ASAN service centers in government agencies. Legislative reforms and additional government initiatives would be appropriate to make further progress in this area.

Efforts should be made at the government level to establish a mechanism for officials to provide financial information.

In order to accelerate the adoption of the Law on Conflict of Interests and the Competition Code, the relevant government agencies need to hold discussions with the Milli Majlis.

It is recommended that government agencies and state-owned companies implement effective mechanisms to ensure the financial transparency of companies with state-owned shares. This may be possible through the adoption of uniform reporting standards or the definition of accountability measures through legislative reform, and the tightening of existing ones.

Legislative reforms related to the development of civil society in Azerbaijan should be continued, the implementation of the recommendations of the International Open Government Partnership should be reconsidered and appropriate steps should be taken.

A special approach to monitoring the activities of such enterprises should be applied in government reports on state-owned companies and companies that hold public shares and perform public functions. It is important to organize an external audit of activities within the scope of monitoring tasks. In order to ensure the access to information in such companies, it is necessary to develop and implement standards for official websites.

New anti-corruption tools and mechanisms should be introduced in areas with a high risk of corruption.

The government should consult with parliament and make recommendations to create the relevant opportunities for civil society institutions to participate in the discussion of the state budget in the Milli Majlis.

Civil society and the Azerbaijan Open Government Platform have to be provided with appropriate opportunities and resources to conduct public opinion polls, surveys and research to assess anti-corruption policies.

Institutional support for the Azerbaijan Open Government Platform should be expanded and more active support should be provided.

It is recommended to increase the institutional capacity of the Secretariat of the Anti-Corruption Commission.

At the same time, the process of increasing transparency and accountability in the private sector, the practical application of the methodology for identifying, analyzing and preventing corruption risks remains unfinished.

The results of the monitoring show that the Cabinet of Ministers is moving slowly in analyzing the proposals put forward by government agencies to implement the measures envisaged in the NAP and making decisions based on them. Additional efforts are needed to speed up the process in this direction.

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Table 3. Implementation of the NAP in the directions

Measures envisaged in the NAP	Maximum score on the methodology	Actual score on methodology	The percentage of implementation %
Measures to prevent corruption and strengthen transparency in the activities of government agencies	18	12	66,6667
Measures to ensure financial transparency	6	6	100
Measures to combat legalization of criminally obtained money or other property and terrorist financing	24	18	75
Measures to improve public services	18	14	77,7778
Measures to expand the activities of civil society members, increase public control and public participation	24	18	75

Measures to ensure access to information	12	7	58,3333
Measures to ensure accountability, transparency and public participation in local self-government	6	1	16,6667
Measures to increase transparency and accountability in the private sector	6	6	100
Measures to increase transparency, accountability and customer satisfaction in public utilities	12	9	75