

R E V I E W

by the Anti-Corruption Commission

of the implementation of

the National Action Plan for Promoting Open Government for 2012-2015

The major objectives of the National Action Plan for Promoting Open Government for 2012-2015 (hereinafter referred to as 'the Action Plan') approved by the Order of the President of the Republic of Azerbaijan of 5 September 2012 are the following:

- ensure sustainability of the implementation of the National Strategy on Increasing Transparency and Combating Corruption;
- improve the regulatory and legislative framework and institutional mechanisms,
- harmonise performance by the central and local governments to the principles of open government;
- enhance public participation and transparency in the decision making process.

Increasing the transparency in the activities of the state authorities, providing accountability, widening participation of communities and implementation of new technologies are stipulated as core principles in the Action Plan. Our country is one of the first countries who joined the International Open Government Partnership initiative. According to the Order of the President of Azerbaijan Republic of 5 September 2012, the central and local executive bodies shall submit the information about the implementation of the activities envisaged in the Action Plan to the Cabinet of Ministers of the Republic of Azerbaijan and the Anti-Corruption Commission (hereinafter referred to as 'the Commission') by 15 January of each year. The Commission regularly reviews this information and the implementation of activities and the information are made available to the public.

Assessment made by the Commission has been prepared on the basis of the information provided by the central and local executive bodies for the period of 2012-2013. In this regard, the Commission notes that the information provided by some of the local executive bodies was partial or fragmentary did not reflect all the information about the performance of their duties. Such reporting was deemed by the Commission as incomplete or tantamount to non-performance under the Action Plan.

The Action Plan consists of 45 actions grouped into 9 areas. Most of the actions were set for implementation during the years of 2013 and 2014. As the Action Plan was

adopted by the end of 2012, the year of 2013 can be considered as the starting point for the full implementation of the actions. Thus, the year of 2012 was mostly allotted for planning and preparation. According to the Action Plan, 22% of the activities were to be carried out in 2012, 33% in 2013, 27% in 2014, 18% in 2015. As can be seen, the major (60%) part of the Action Plan is expected to be fully implemented during 2013-2014.

In general, according to the results of the assessment conducted by the Commission, the state authorities fully implemented 64% of the actions envisaged for the period of 2012-2013.

The methodology for evaluation of implementation under the Action Plan comprises 2 phases. In the first phase, the evaluation determines full, partial or non-performance by relevant state authorities of 45 action types in 9 activity areas. Hence, the status of the implementation of 45 action types in the Action Plan are evaluated on a 0-2 scale where 0 means not implemented; 1 partially implemented and 2 fully implemented. Points for all action types are added separately for each state agency, and the average percentage of implementation in a given activity area is calculated and posted according to the non-, partial and full implementation of that action by the central and local executive bodies.

In the second stage, the general implementation level of the actions envisaged for 2012-2013 is determined based on the results of the initial evaluation.

1. Facilitation of access to information	
1.1	Designation of employees in charge of access to information access at government agencies, adoption of internal procedural guidelines on freedom of information, and public information (implementation period: 2012-2014)
<p>The requirements of this provision were implemented fully by 76% of the state authorities; 15% implemented them partially and 9% not at all. Thus, responsible employees (focal points) were appointed to all central executive bodies and to most local executive bodies. Internal procedural guidelines were adopted in most cases. <i>However, the Commission notes that contact facilities of focal points on freedom of information and publication of internal procedural guidelines on the website of the bodies should be improved. The measures should be taken to increase public awareness.</i></p>	

1.2	Comprehensive trainings for responsible civil servants in order to ensure freedom of information (implementation period: 2012-2014)
<p>The requirements of this provision were implemented fully by 76% of the state authorities; 9% implemented them partially and 15% not at all. The authorities who partially implemented the requirements article carried out preparatory activities, developed relevant materials, but did not conduct specialised trainings. These issues were dealt with in general meetings or in different workshops. <i>The Commission notes that the trainings in this field should be specialised, should only cover the issues related to ensuring freedom of information, should be in a cascade format and should cover all relevant employees. The local executive authorities should focus on this direction of the action and the employees should be involved in these trainings. Besides, the state authorities should submit the information about the trainings and number of participants in trainings conducted during the year to the Commission to ensure full accountability. The Ombudsman's Office of the Republic of Azerbaijan should develop the training module for these trainings and provide methodological support to the state authorities.</i></p>	
<p>2. Regular public information about activities of state institutions</p>	
2.1	Uploading and updating of information about activities of state institutions on their respective web-pages (implementation period: regularly)
<p>The requirements of this article were implemented fully by 88% of the state authorities; 3% implemented them partially and 9% not at all. Thus, most of the state authorities updated their websites about their activities on the regular basis. Those state authorities which implemented this provision partially did not fully update information about their activities, did not post detailed information and reports which are particularly important for citizens. <i>The Commission notes that websites of state authorities should be regularly updated and should become an effective tool of communication with citizens. information posted on a website should be accessible, and websites should be promoted widely for the use by citizens.</i></p>	
2.2	Compiling annual reports by the state authorities and uploading them to their web-pages (implementation period: 2012-2015)
<p>The requirements of this provision were implemented fully by 88% of the state authorities; 12% did not implement them. <i>The Commission notes that annual reports represent important data about activities of the state authorities and one of indicators of their transparency. Respective activities should be carried out by other state</i></p>	

authorities to publicise this data.

2.3 Holding of press conferences and other direct public communication events about their performance by state institutions (implementation period: 2012-2015)

The requirements of this provision were implemented fully by 79% of the state authorities; 3% implemented them partially and 18% not at all. *The Commission notes that information about press conferences and other open meetings should be made available to the public in advance and should be published on websites of the authorities. For this purpose, a number of visiting days for citizens and open-door events should be increased, use of electronic means for these purposes should be enhanced. Though several state authorities publish reports about their activities on their websites, direct communication events were not held.*

2.4 Dissemination of reader-friendly versions of the legislation regulating activities of the state institutions, developing guiding principles and promotion of this information among citizens (implementation period: regularly)

The requirements of this provision were implemented fully by 55% of the state authorities; 18% implemented them partially and 27% did not implement them. In accordance with this provision, the State Agency for Public Services and Social Innovation under the President of the Republic of Azerbaijan published user-friendly booklets about the ASAN Service centres, the services provided by these centres and the service fees. These booklets were regularly disseminated among the population. In addition to that, this information was actively published on the webpage and on social networking accounts of the service. *The Commission notes that this kind of information should be regularly developed, posted in visible places in the administrative buildings of state authorities and delivered to the public using modern technologies, especially social networks. Besides, the state authorities should attach the developed guides and similar explanatory publications to the reports submitted to the Commission in soft or hard copies.*

2.5 Development of internet portals about sectors covered by the state programs (implementation period: 2012-2014)

The requirements of this provision were implemented fully by 72% of the state authorities; 16% implemented them partially and 12% not at all. Most of central executive bodies made available information about the state programs by creating relevant sections in their websites. This performance was regarded as full implementation. The authorities who partially implemented the requirement conducted research, finalised preparatory work or are currently implementing technical measures.

The portals related to state programs are planned operational within 2014	
2.6	Identification of the uniform model and minimal conditions for the websites of the state authorities in accordance with modern standards (implementation period: 2013)
According to the implementation of the requirements of this article as a result of joint activity of the Special State Protection Service and the Ministry of Communications and High Technologies "The requirements for the development and management of the internet data resources of the state authorities" were approved by the Cabinet of Ministers to identify the uniform model and minimal requirements for the websites of the state authorities. This provision is deemed to be implemented fully. The above-mentioned document is published online (www.e-qanun.az) and is open for public.	
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 Milli Majlis of the Republic of Azerbaijan (implementation period: 2012- 2015)
Information about the activities carried out in this area was included in the annual reports of the Cabinet of Ministers to the Milli Majlis (Parliament) of the Republic of Azerbaijan.	
3. Improvement of the central legislative electronic database	
3.1	Regular updating and ensuring operability of the State Registry of Legal Acts of the Republic of Azerbaijan, as the official legal reference source (implementation period: regularly)
1,649 documents were transferred into an electronic version of the State Registry of Legal Acts during the reporting period (www.huquqiaktlar.gov.az), and 1,461 documents were posted on the national legislation database (www.e-qanun.az). Both are constantly open for public free of charge and regularly updated. Currently, the number of documents placed on these resources websites exceeds 18,171 and 26,000, respectively. Besides, during the reporting years the hardware and software and registration information system were improved to ensure their operability. Only the legislation database attracted 154,568 visitors in 2013, 19.3% more than in the previous year (129,592). This provision is regarded as implemented fully.	

4. Enlargement of the public participation in activities of the state institutions

4.1 Involvement of civil society representatives in elaboration of draft legislation of public interest, organisation of public hearings by state institutions (implementation period: regularly)

The requirements of this provision were implemented fully by 53% of the state authorities; 22% implemented them partially and 25% did not implement them. Thus, 53% of the state authorities involved civil society representatives in elaboration of draft laws of public interest and organised regular public hearings. The state authorities who implemented the requirements partially sometimes organised public hearings, chiefly by means of electronic resources in the online mode. *The Commission notes that the state authorities should closely cooperate with the representatives of the civil society, benefit from their experience, and regularly receive their feedback and ideas. Accordingly, the respective measures should be taken to conduct public hearings and ensure the operation of public councils. Regulation or topics under discussion as well as outcomes of the public discussion should be open to the public.*

4.2 Establishment of the appropriate councils and/or cooperation networks to improve interaction between the civil society and state institutions rendering public services (implementation period: 2012-2013)

The requirements of this provision were implemented fully by 45% of the state authorities whereas other respective authorities did not implement any activities of this kind. The required council and cooperation networks were established by the Ministry of Youth and Sports, the Ministry of Justice, the Ministry of Labour and Social Protection of Population, the Ministry of Environment and Natural Resources, the State Agency for Public Services and Social Innovation under the President of the Republic of Azerbaijan, the State Social Protection Fund and other state authorities. *The Commission notes that generally number of public councils under central executive powers is limited. For this purpose, it is necessary to enforce the provisions of the Law on Public Participation enacted on 16 January 2014 and to ensure the activities of the public councils under the state authorities.*

4.3 Use of web-pages as means for involving the public in decision-making process on matters of public concern (receiving the comments and proposals of citizens, organising discussions, developing FAQ sections, etc.) (implementation period: regularly)

The requirements of this provision were implemented fully by 81% of the state

authorities; 8% implemented them partially and 20% did not implement them. Majority of websites of the state authorities have sections for receiving proposals of citizens and responding to their questions.

4.4 Organisation of the open-door public forums by state authorities (implementation period: regularly)

The requirements of this provision were implemented fully by 72% of the state authorities; 8% implemented them partially and 20% not at all. Open-door public forums were intensively conducted especially in the regions and were welcomed by the citizens. Heads of the central executive authorities regularly received citizens in the regions. *The Commission notes that the state authorities should submit detailed information about the open-door public forums in their next reports (number of forums, the estimated number of participants, information published in the media, etc.).*

5. Improvement of e-services

5.1 Evaluation of the E-services and public disclosure of the results (implementation period: regularly)

According to the Rules for Assessment of Organisation and Provision of Electronic Services in the State Authorities" approved by the State Agency for Public Services and Social Innovation under the President of the Republic of Azerbaijan on 11 January 2013, the assessment of each electronic service was carried out in 40 state authorities between 22 January and 19 July 2013 and related information was published on the official website of the State Agency. 'Information about the number of people who used the provided electronic services' was quarterly collected for the previous year starting from the date of the assessment; the assessment identified electronic services used more and less often. As a result of the assessments, the reviews reflecting the status of ICT infrastructure and the level of the provision of electronic services were submitted. *The Commission notes that the Agency should apply this practice for the next assessments and follow up the usage status of the services.*

5.2 Public presentation on e-services rendered by state institutions within their area of activity, at least once a year (implementation period: 2013-2015)

The requirements of this provision were implemented fully by 49% of the state authorities; 18% implemented them partially and 33% not at all. The state authorities who fully implemented the requirements of the provision submitted the information about services rendered to the public and carried out the presentations and awareness

	raising activities.
5.3	Establishment of the single system for workflow and exchange of electronic data between state institutions (implementation period: 2013- 2015)
	The E-government State Information System was established during 2012-2013. Currently, 40 state authorities are connected to this system. Other state authorities are planning to connect in 2014; preparatory work is being carried out.
5.4	Improvement of electronic payment of fees, taxes, administrative fines, utility bills and other administrative dues (implementation period: 2013-2014)
	In accordance with the implementation of this provision the Government Payment Portal was established by the Central Bank; it is now being improved to facilitate online payments. In addition to that, the multi-functional ASAN payment system was established in accordance with the amendments to the Decree of the President of the Republic of Azerbaijan of 11 February 2014 on Operation of the State Agency for Public Services and Social Innovation under the President of the Republic of Azerbaijan. Using the ASAN ("easy") payment facility, citizens will be able to pay administrative fines and make payments in execution of court judgments via mobile devices, special terminals and in other ways. <i>The Commission notes that the scope of activities in this area should be broadened. Citizens should be able to pay all duties, taxes, administrative fines and utility bills and make other payments electronically.</i>
5.5	Implementation of measures facilitating access to e-services in the regions
	"AzerPost" (a public postal entity under the Ministry of Communications and High Technologies - MCHT) established internet kiosks with broadband internet access in post offices in 30 remote villages. Public information kiosks were installed in subscriber sections of all telephone stations in Baku; the kiosks were wired to internet, and station staff instructed to provide this public service. MCHT is planning to install public information kiosks in 15 administrative districts of Azerbaijan by the end of 2014. Self-service kiosks were installed in all ASAN Service Centres in Baku; 3 self-service kiosks were installed at the Sumgayit ASAN Service Centre, and 4 self-service kiosks at the Ganja ASAN Service Centre. Besides, it is planned to install electronic information kiosks at all newly opening regional ASAN centres. An alternative regional service centre was established in Yevlakh and started its operation on 21 November 2013. Under this provision, a project titled "Development of National Broadband Internet" was elaborated and

	submitted to the Cabinet of Ministers envisaging the access to high-speed broadband internet and other modern telecommunication services over the fibre-optical cable network in every residential community. <i>The Commission notes that the local executive authorities should focus their efforts in this area and ensure the operation of the relevant information technologies in the administrative buildings of the state authorities and other public places.</i>
6. Increasing transparency in state financial control institutions	
6.1	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 (implementation period: 2013- 2014)
In order to ensure the implementation of this provision, a draft law (on the State Financial Control) was developed; and the relevant state authorities reviewed it. The draft law covers provisions detailing competencies of the state financial control institutions.	
6.2	Enhancement of accountability of SFC institutions and disclosure of the results of the financial inspections, analyses and statistical data to the public (implementation period: 2013-2015)
The provisions related to increasing the accountability of the financial control institutions are reflected in Article 6.1 of the draft law. The information corresponding to the second part of the provision was published in the respective websites of the Ministry of Finance, the Ministry of Taxes, the Chamber of Accounts and other relevant agencies.	
6.3	Application of the IT in the SFC area and elaboration of the e-control system (implementation period: 2013-2014)
"Treasury Management Information System" on the SAP platform (widely used and considered improved software in business administration) was introduced in some treasury offices of the State Treasury. Besides, the State Treasury developed a relevant software jointly with the budget institutions in order to improve the quality of the treasury services and implementation mechanism of budgetary expenditure as well as to enhance financial control over expenditures.	
6.4	Organisation of reciprocal activities between SFC institutions, establishment of the SFC Central Database, development of the electronic data exchange (implementation period: 2013-2014)

In connection with the implementation of this provision, the provisions about the data exchange with other financial control institutions and their use in elaboration of action plans of SFCS and its regional units were reflected in the "Regulations for planning, conducting, and documentation of the results of the control measures by the State Financial Control Service (SFCS) of the Ministry of Finance of the Republic of Azerbaijan" approved by the Resolution of the Board of the Ministry of Finance on 14 February 2013 #Q-07 and is currently applied in the operation of the Service. At present, the corresponding data exchange is carried out between the Ministry of Finance and Chamber of Accounts. At the same time, a single database exists in SFCS containing minimum information about and date of the recent control activities.

6.5	Improvement of the mechanism of control over the publication of financial reports developed by state institutions in accordance with the International Standards of Financial Reporting or the National Accounting Standards, along with the auditor's reports (implementation period: 2013-2014)
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In connection with the implementation of this provision, as per the amendments to Article 12 and Article 16 of the Law on Accounting, the audited financial statements were published by the commercial entities that obtain state guaranteed loans or take part in projects financed by public expenditure, as well as receive subsidies, subventions, grants or other budget allocation to fulfil certain duties. Besides, in accordance with the amended Article 247.1 of the Code of Administrative Offences, state institutions are identified as responsible for the failure of publishing annual audited financial statements. In addition, the proposals of the Chamber of Auditors to further improve the above-mentioned mechanism are being reviewed by the Ministry of Finance.

6.6	Development of proposals on the mechanism and procedure of oversight over the drafting and execution of local budgets, including correspondence of expenditures to the approved budget indicators, as well as timely approval of financial reports of municipalities
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In connection with the implementation of the provision, certain package of proposals were prepared related to budget execution by the municipal authorities, submission of financial reports, reporting periods and their publishing and relevant amendments were made to the Law on Accounting of the Republic of Azerbaijan. At the same time, the relevant conditions were created by the Ministry of Finance to submit electronically the information on municipal revenues and expenditures, as well as quarterly and annual reports on the execution of local budgets to the Ministry.

6.7	Publication of the reports on the implementation of state budget and the relevant legislation drafts prior to referral to the Milli Majlis of the Republic of Azerbaijan
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It should be noted that the annual reports about the implementation of the state budget in 2012 and quarterly reports about the implementation of the state budget were published in the official website of the Ministry of Finance in accordance with the Law on the Budget System. These reports reflect the functional and economic classification of the budget execution in an ascending order starting from the beginning of the year. The quarterly reports reflect the comparative analysis of revenues and expenditures along with other indicators.

7. Increasing transparency of tax control and examination

7.1	Provision of necessary information and taxpayer awareness raising (implementation period: 2012-2014)
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In accordance with the implementation under this provision, the website of the Ministry of Taxes was regularly updated, news sections were included, and citizen requests were responded via 195 hotline. 3.5 mil visits were recorded to the website of the Ministry of Taxes in 2013. During the same period 2,236 questions were responded in the FAQ section of the website. During the reporting year, 14 different booklets, brochures and bulletins were published in Azerbaijani and English highlighting useful information for taxpayers about the tax legislation and administration. They were disseminated to taxpayers. At the same time, promotional materials on the necessity of executing labour contracts were placed on the backside of bills issued by Baku Electric Network. The special advertisement boards were placed in different parts of the country to promote cashless payments, and their content was regularly updated.

7.2	Execution of measures in order to align the activity of the Tax institutions with the IMF Code of Good Practices on Fiscal Transparency
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The activities continued to harmonize the operation of tax authorities to the IMF Code of Good Practices on Fiscal Transparency in order to implement the requirements of this provision. The relevant activities were developed and submitted to the Cabinet of Ministers of Azerbaijan Republic.

7.3	Execution of measures in order to improve electronic payment of taxes and other mandatory payments (implementation period: 2012- 2013)
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In connection with the implementation of this provision, payments of taxes and other obligatory payments in electronic form was continuously improved. The Ministry of

Taxes facilitated payment of most types of taxes in electronic form. 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 sub-account. This system was commissioned for use in 2013.

8. Increasing transparency in Extractive Industries

8.1 Continued cooperation by the Government of the Republic of Azerbaijan with local and foreign companies engaged in extractive industries and civil society institutions in order to ensure implementation and development of the Extractive Industry Transparency Initiative in Azerbaijan (implementation period: 2012-2015)

The State Oil Fund implemented regular activities for the implementation of this provision. During the reporting period, more than 10 meetings were held with the participation of the representatives of government, private sector and civil society and the trainings were conducted to increase accountability in this area. The implementation status of this provision shall be considered complete for the reporting period.

8.2 Continued disclosure of information on total revenue obtained by the Government from the extractive industries (implementation period: 2012- 2015)

In connection with the implementation of this provision, the State Oil Fund regularly disclosed reports about total revenues from the extractive industries to the public.

8.3 Disclosure of the annual reports of the implementation of the Extractive Industry Transparency Initiative in Azerbaijan

The annual report of the State Oil Fund covering 2012 and 2013 related to the implementation of the Extractive Industry Transparency Initiative in Azerbaijan was made available to the public.

9. Awareness raising and cooperation in the field of Open Government Initiative

9.1 Evaluation of implementation of the Action Plan and disclosure to the public of its results on the annual basis (implementation period: 2012 – 2015)

By the Decree of the President of the Republic of Azerbaijan of 5 September 2012, the state authorities submit annual reports to the Cabinet of Ministers and the Commission on implementation of activities envisaged in the Action Plan, and the Commission

	informs the public accordingly.
9.2	Publication of educational materials on the Open Government Initiative and their dissemination among the public
	The requirements of this provision were implemented fully by 74% of the state authorities; 4% implemented them partially and 22% did not implement them. The state authorities which implemented the requirements partially noted that they implemented related preparatory tasks but did not publish or promote the actual materials.
9.3	Continued actions within the framework of implementation of commitments under the Open Government Partnership (implementation period: 2012 -2015)
	The requirements of this provision were implemented fully by 60% of the state authorities. Thus, the adopted annual action plans and the reports about the implemented activities by these authorities were made available to the public. <i>The Commission notes that the state authorities should follow Open Government principles in their activities and regularly disclose information about their activities to the public. This process should also involve joint organisation of workshops, conferences and roundtables and meetings in other formats with civil society representatives.</i>
9.4	Provision of the financial support to the civil society institutions for the implementation of the measures foreseen in the Action Plan (implementation period: 2012 -2015)
	The requirements of this provision were implemented fully by 27% of the state authorities. For this purpose, the Ministry of Economy and Industry, the Ministry of Labour and Social Protection of the Population, the Ministry of Communications and High Technologies, the Anti-Corruption Commission, the Council of State Support to Non-Governmental Organizations under the President of the Republic of Azerbaijan and some other state authorities allocated funds to the civil society. <i>The Commission notes that the support to and cooperation with the civil society organisations should be provided on a regular basis, and the number of joint projects should be increased.</i>