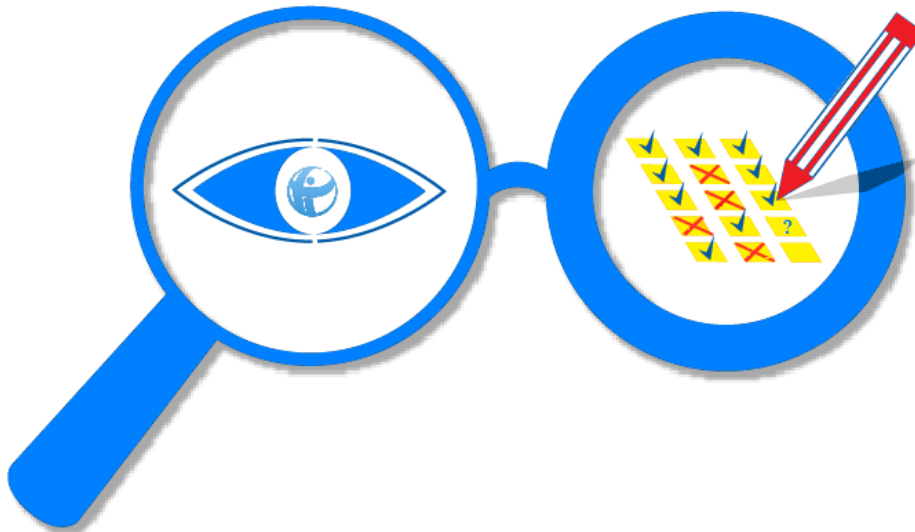




# FINAL MONITORING REPORT

## On Implementation of Recommendations Provided To Public Agencies

*“Azerbaijan Partnership for Transparency” Project  
2012-2016*



Baku, September 2016

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**Author: Transparency Azerbaijan Research Team**

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of 1 September 2016. Nevertheless, Transparency Azerbaijan cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

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## I. INTRODUCTION

Azerbaijan Partnership for Transparency (APT) Project is a four-year activity of Transparency Azerbaijan (TA) designed to strengthen key civil society organizations' role in the fight against corruption, while supporting the Government of Azerbaijan (GOAJ) on a few strategic and high impact areas of its anti-corruption strategy and commitments to the Open Government Partnership (OGP). The overall objective of APT Project is to make civil society more effective at increasing transparency and reducing corruption.

The APT project builds on the previous Advocacy and Legal Advice Centers (ALACs) project run by TA since March 2005. The ALAC project has been a grassroots-based attempt to reveal, address, and further analyze corruption dynamics in the country. Within the years of the ALAC Project implementation period a wide range of clients, who had approached TA's regional centers regarding the corruption-related matters, indirectly contributed to the collection of statistical and narrative data, that further helped develop a clearer picture of a corruption portfolio, existing threats, tendencies, and mainstreams in a systemic and societal ways. With the data in hand, the TA was able to better understand needs of local communities and further define more concrete targets for advocacy programs and initiatives that are aimed at achieving positive changes in existing policies, strategies, and practices related to combating corruption at the institutional and systemic levels.

Over the years the TA conducted 12 advocacy round tables with various public institutions under ALAC project in 2010-2012 and 16 round tables in 2013-2016 under APT project<sup>1</sup>. This report summarizes implementation of the recommendations provided by TA to the public institutions during the first phase of the APT project life in 2012-2016, as well as recommendations given earlier under ALAC project. We look at the public institutions providing basic services in the areas of civic registration, provision of utilities, rendering social assistance, registration of property rights with a special focus on provision of electronic services, as per the respective decisions of the government<sup>2,3</sup> that instructed central executive bodies within their official internet information resources to ensure delivery of electronic services in competence with their powers.

All recommendations provided by TA can be divided broadly into several major directions:

- Enhancement of the legal framework;
- Attending to institutional vulnerabilities, including management of hotlines;
- Provision of electronic services and organization of website;
- Ensuring transparency and accountability of public institutions.

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<sup>1</sup> All recommendations in Azerbaijan language are available at [www.transparency.az](http://www.transparency.az)

<sup>2</sup> Second State Program Electronic Azerbaijan for 2010-2012, [www.mincom.gov.az](http://www.mincom.gov.az)

<sup>3</sup>AR Prezidentinin "Dövlət orqanlarının elektron xidmətlər göstərilməsinin təşkili sahəsində bəzi tədbirlər haqqında" 23.05. 2011-ci il tarixli 429 nömrəli fərmanı, [www.e-qanun.az](http://www.e-qanun.az)

## II. LABOR AND SOCIAL PROTECTION OF POPULATION

Crucial development within the legal framework is attachment of the State Social Protection Fund to the Ministry of Labor and Social Protection of Population.<sup>4</sup> Many experts, including TA roundtables, have several times expressed the idea to merge these two state agencies that have overlapping functions; therefore, saw the realization of this idea as a necessary step in the field of social protection of population.

### a) Pensions payment and social insurance

#### *Accomplishments*

Registration of pension status and directing retirees to the bank is now one of the functions of ASAN service centers, making it easy for those who live in the area in which ASAN service centers operate.

Beginning from September 2015, employer-insurer (both physical and legal persons) can apply for online registration of employees. Besides, citizens can now also apply through the single government's e-portal ([www.e-gov.az](http://www.e-gov.az)) to change their insurance certificates and obtain duplicate thereof<sup>5</sup>.

#### *Problems*

However, in regions not covered by ASAN service centers, registration of pensioners and provision with plastic cards are realized at the regional offices of the Ministry of Labor. In practice, this leads to delays in calculating pension amounts and preparation of plastic cards and paves the way for informal demands and payments. Also, there are many problems in the process of pension award, especially, for labor migrants and émigrés.

There are also technical difficulties in submitting reports to the Ministry (in the past to the Fund). Thus, the B1 and B3 applications must be first downloaded, saved on a computer, filled in and subsequently uploaded to an individual electronic account, but the procedure is not that simple. In most cases applications are incompatible with users' computers, making it impossible for ordinary citizens to manage on their own and force to involve IT specialists.

Moreover, the two reports - B1 (information on salary fund) and B3 (insurance per employee from salary fund) are submitted separately and at different times and for different periods which leads to an incorrect calculation of pension capital in a number of cases.

#### *Recommendations*

- There is a need to accelerate electronization process of pension-related services, such as informing pensioners of assignment of pensions, accumulated sum of pensions payments and other services, as well as receiving by the insurer of electronically personal account statement of the pensioner.

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<sup>4</sup> Presidential Decree on "Measures to improve management in the area of social protection of people" dated 18.03.2016, [www.president.az](http://www.president.az)

<sup>5</sup>Sosial sığorta iştirakçılarının uçotu sahəsində xidmətlər tam elektronlaşdırılıb? 16.10.2015, [www.az.trend.az](http://www.az.trend.az)

- Pensioners should be informed in advance of any changes, including decrease and increase of pensions. The law states that in this case a notification must be sent to pensioners before application to the court and after the court gives decision. In practice, pensioners learn about reduction the day they receive their pension or while deducting money from their pension card.
- It is strongly recommended to adopt a law on private pension funds. In order to stimulate establishment of private pension funds, tax exemptions should be applied to them or state provision documents should be adopted. Payments to private pension funds should be in proportion to the payments made to the state funds and citizens should be given the right to choose among state and private funds.
- Decision to award pensions shall be delivered electronically; in other words, this service shall be elevated from the stage of e-application to e-service per se.
- To ensure social protection rights of migrant workers living in Azerbaijan and Azerbaijani citizens living abroad the number of agreements among governments should be increased-
- Considering the scope of migration, amendments to Azerbaijani legislation should be made to enable to get social insurance payments accumulated on personal accounts.
- Another problem is that the insurer sometimes waits for months to receive a code and password to the system to provide electronic reporting to the Ministry of Labor. It is easy to solve the problem through use of electronic signatures and ASAN signature.
- B1 (information on salary fund) and B3 (insurance per employee from salary fund) should to be submitted simultaneously and for the same period.
- The 4th paragraph of the Article 8 of the Law on Social Insurance shall be amended as follows: insurance record of the insured is a general accumulation of employment and service periods through which compulsory state social insurance is paid in favor of the insured. In other words, "when calculating social insurance record, the length of service, along with employment, should be taken into account.
- Electronic tools shall be created to enable reconciliation of social insurance deductions between the employer and authorities.

## **b) Labor relations and unemployment**

### *Accomplishments*

It is worthy to note that the Ministry of Labor through promotional campaigns made the citizens aware of their right to demand signing a labor contract. It is no coincidence that the number of contract signing has increased recently.

### *Problems*

There are still obstacles in registration of receiving and assignment of unemployment status. Certain citizens in the regions still face discrimination during their registration as unemployed or jobseekers. They have to decline offers as they are offered jobs irrelevant to their educational and professional background or too far from their living place. Also, they are deprived of using certain services.

Upload of information regarding registration of labor contracts on e-gov.az portal by employees and legal enforcement or termination of labor contracts only after receiving written notification lead to several problems. That is to say, in cases of the termination of the contract in the reality, yet, not receiving the notification as a result of inactivity of

the employer, the employee stays in the system as employed which in turn leads to incompatibility in reporting and online exchanges on other issues.

#### *Recommendations*

- The provisions of the law on "Industrial Accidents and Compulsory Insurance against Disability Resulting from Occupational Diseases" shall be applied to persons working on service contract.
- Fines should have been defined in administrative manner for the failure to upload information on registration of labor contracts on time and employers should be invited to be more responsible in this process.
- Determination of unemployment status and assignment of its benefit should be made by ASAN service centers.

#### **c) Targeted social aid**

##### *Accomplishments*

In order to minimize direct contacts between public officials, to reduce delays in payment of targeted social aid and to eliminate corruption loopholes, TA recommended that the credit cards issued by banks be made available to the beneficiaries directly by the banks. This was accepted by the Ministry.

In order to facilitate the procedure to assign targeted social aid, TA recommended reducing the number of documents to be submitted by applicants. Reception of documents and application procedures are simplified, the number of documents decreased and applications through e-information system for citizens enabled as a result of substantive changes on assignment of targeted social aid with the decision of Cabinet of Ministers dated 5 February 2016.

E-Application and Assignment of Targeted Social Aid through VEMTAS system<sup>6</sup> is now open to citizens on [www.e-gov.az](http://www.e-gov.az) portal (since 15 Feb 2016) to apply for targeted social aid. According to the new rules, applications must be answered within 15 days. Moreover, the period of the assignment of the targeted social aid has been increased from 1 to 2 years.<sup>7</sup>

TA recommended approval of the list of documents for the determination of allowances and applications to the state authorities. In this regard, approval of the Rules<sup>8</sup> on legalization, consideration and maintenance of the documents submitted for the determination of social benefits, pensions and compensation, as well as transparency of the list of documents requested are positive developments.

The Ministry publishes the list of recipients of targeted social assistance on its website which is a big step towards institutional transparency and accountability<sup>9</sup>, in line with TA recommendation.

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<sup>6</sup><https://www.e-gov.az/az/services/read/3421>

<sup>7</sup> Law on "Changes to the Law on Targeted Social Aid" dated 24.02.2015, [www.president.az](http://www.president.az)

<sup>8</sup> NK-nun 21 sentyabr 2015-ci il tarixli Qərarı; <http://e-qanun.az/framework/31208>

<sup>9</sup> <http://www.mlsp.gov.az/az/pages/6/251>

### *Recommendations*

- The minimum living standards and consumer basket should be re-calculated, the need criteria should be raised at least to the level of the living wage and basic part of labor pensions should be brought in line with the realistic needs criteria.
- Information on determination of mobile numbers, their active/inactive status and expenses while applying to targeted social aid through VEMTAS system should be obtained via information requests.

## **d) Citizens – government relations**

### *Accomplishments*

The steps taken by the Ministry to improve transparency and accountability, that TA encourages all state agencies to take, is cooperation with civil society institutions and provision of public control in labor and social protection system. On 28 September 2015, MLSPP established its second Public Council comprised of 15 civil society organizations. Simultaneously, 10 non-state agencies have been accredited by the Ministry to give social services to the people who suffered from the domestic violence.

### *Recommendations*

- Educational programs on tax, social security and pension issues should be regularly aired on TV and radio channels with participation of employees of the Ministry and Civil Society representatives.
- Service and management of 142 and 190 "hot line" information systems should be processed with unified methodology in order to further improve this system. Detailed examination of, prompt and substantive response to the questions requires that those who respond the calls receive necessary qualification through training programs.

## **e) Social protection of people with disabilities**

### *Accomplishments*

The legal framework of Azerbaijan<sup>10</sup> defines minimum living standard according to a minimum consumer basket and mandatory deductions. The basket is defined for major social and demographic groups of the population. TA recommendation to include People with Disabilities (PWD) as one of such groups. This recommendation was attended to in calculations of the minimum living standard for 2015<sup>11</sup> where PWD are singled out as a separate group with the highest minimum living standard (at 140 AZN) as compared to other groups.

In the past, PWD had to verify their status far too often. The Presidential decree<sup>12</sup> and Cabinet of Ministers' decision<sup>13</sup> approved "Regulation of criteria for evaluation of disability and health restrictions". According to the decision, all 1st group PWDs, as well as, 2<sup>nd</sup> group PWDs after 10 years of disability status and 3<sup>rd</sup> group PWDs after 15 years were defined as eligible on perpetuity terms. The rest of 2<sup>nd</sup> and 3<sup>rd</sup> group

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<sup>10</sup> The Law on Living Standards, 5 October 2004, [www.e-qanun.az](http://www.e-qanun.az)

<sup>11</sup> The Law on Minimum Living Standard for 2015, Article 1, enters into force as of 1 January 2015, [www.e-qanun.az](http://www.e-qanun.az)

<sup>12</sup> Decree no 595 of the President "On the improvement of assessment system of restriction of disability and health care opportunities" dated September 14, 2015, [www.president.az](http://www.president.az)

<sup>13</sup> Cabinet of ministers resolution the criteria for determining disability dated 30.12.2015, [www.cabmin.gov.az](http://www.cabmin.gov.az)



PWDs' terms were extended to 5 years, and terms of children with disability less than 18 years of age were prolonged to 3 years.

The process of award of the status of a person with disability is being automated. Thus, Medical Social Expertise and Rehabilitation of the PWD electronic information system was created. The system allows exchanging data between several public agencies. It is possible to find out electronically if a disability status has been awarded, however, e-service to apply for the status of a person with disabilities is yet to be created.

Ministry of Labor and Social Protection of Population is developing an information system on results of disability eligibility examinations. Medical Social Examination Commission under the MLSPP will be able to access this database and receive relevant information on health condition of citizens, who apply for disability status and make appropriate decisions based on this information. This information system is still being test-run<sup>14</sup>.

The list of people privileged to stay on the waiting list to receive apartments and private houses in accordance with the lists of Executive Authorities in the regions, as well as the expected dates and other information are public on official website of the Ministry.<sup>15</sup>

Changes in the infrastructure to improve access for PWD are being introduced, for example, some semaphores at key cross roads are equipped with sound signals for blind people<sup>16</sup>. Also, newly built administrative buildings<sup>17</sup> and the railway station<sup>18</sup> have access facilities for the disabled. Still access for PWD to most public places, including schools, and government offices is complicated due to lack of relevant infrastructure, such as rampant, railings, properly equipped sanitation facilities or wheel chair access to public transport<sup>19</sup>.

It is an important step that ramps were taken into account while building ASAN service centers that every citizen applies, as well as replacing taxi and buses with the new ones.

#### *Recommendations*

- Allowances and pensions of the PWDs should be increased by minimum living standards which, in their turn, should be recalculated in accordance with international standards.
- To adopt amendments to the legal framework to ensure quota for free of charge education of students with disabilities at the university level, as well as for employment of PWDs and to increase penalties for the failure to do so. State agencies should be removed from the list of institutions to which the quota is not applicable.

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<sup>14</sup> Decree no 595 of the President "On the improvement of assessment system of restriction of disability and health care opportunities" dated September 14, 2015, [www.president.az](http://www.president.az)

<sup>15</sup> <http://www.mlsp.gov.az/az/pages/6/34>

<sup>16</sup> Interview with Samiyyar Abdullayev, chairman of the Society of people with Eye Sight Disabilities, 20 April 2015

<sup>17</sup> The Quba Regional Court building offers all necessary facilities for the disabled people as set forth by the UN Convention on the Rights of Persons with Disabilities, press release by Ministry of Justice, 17 November 2014, [www.justice.gov.az](http://www.justice.gov.az)

<sup>18</sup> Interview of Muslim Salimov, Minister of Labor and Social Protection of Population to Yeni Azerbaijan party website, 8 April 2014

<sup>19</sup> Interview with Gulnara Huseynova, chairman of the Association of Patients with Hemophilia, 20 April 2015

- The legislation should be amended to include all (public and private) hospitals in the country for a free diagnosis, treatment and surgery of persons with disabilities and these services shall be funded at the expense of the state budget.
- To create a dedicated portal for people with disabilities and to ensure the following e-services are available through the above portal:
  - To set up personal accounts;
  - To receive information on benefits, events and job opportunities for people with disabilities through personal accounts;
  - To learn of the public services available to people with disabilities and of supporting legal acts;
  - Platform for discussion of the problems of people with disabilities.
- To ensure participation of PWD in public life, such as representation in elective bodies, political parties, civil society, etc., with the decision making power.
- To accelerate installation of facilities for people with disabilities, such as comfortable ramps, voice traffic lights and signs (convex-shaped yellow lines), names of the public (government) buildings in a Braille alphabet, etc.
- To publish comprehensive waiting lists of all PWD eligible for free public housing.

### III. Ministry of Justice

#### a) Notary public:

##### *Accomplishments*

Reforms in the notary public system<sup>20</sup> and establishment of the on-line services related to notary public activities are visible: service enabling to: (1) make online payments for services of notary public, civil act registration desks and apostil; (2) make an appointment with a notary public (or any other structure under the Ministry anywhere all over the country); (3) receive information about notary public offices; (4) receive information on the types of services rendered by notary public.

It shall be mentioned that the website<sup>21</sup> of the Ministry of Justice presents information on notary public offices and on their activities as two different services, whereas legislation envisions and the single government portal<sup>22</sup> presents those as one service. This single service was recently<sup>23</sup> activated at the single e-government portal.

According to the new changes by the Ministry of Justice, control over licensing of notary publics and their professional level has been tightened. Also, computer based test is made mandatory for all applicants<sup>24</sup>.

There is a progress with regards to expansion of the scope of responsibilities of notary public. Notary public are entitled to send to the State Registry of Real Estate documents, testifying to legal status of real estate (pursuant to such transactions as sales-purchases, donation, etc.)<sup>25</sup>, <sup>26</sup>. This is a big step forward in fast service delivery to citizens in the online regime.

Also, the notary public were granted the right to directly input information on issuing and termination of power of attorney for the vehicles into the electronic data base of the notary documents which are later exchanged with the Ministry of Internal Affairs<sup>27</sup>.

In accordance with the decision of the government<sup>28</sup> at the end of 2012, notary public began to render services to citizens at ASAN centers. TA random monitoring of ASAN centers<sup>29</sup> showed that this service is in high demand with citizens and often people have to queue up to get serviced. Though ASAN centers charge extra fee for organization of

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<sup>20</sup>Advocacy round tables of 26 April 2012 under ALAC project and 17 May 2013 under APT project

<sup>21</sup>[www.justice.gov](http://www.justice.gov)

<sup>22</sup>[www.e-gov.az](http://www.e-gov.az)

<sup>23</sup> Between 16 April and 1 December 2015

<sup>24</sup> Ministry of Justice, Collegial decision on "Rules of examination and interviews to get certificate in order to engage in notary activity" dated 30 June 2015, [e-qanun.az/framework/30376](http://e-qanun.az/framework/30376)

"Ədliyyə Nazirliyi Kollegiyasının "Notariat fəaliyyəti ilə məşğul olmaq məqsədi ilə şəhadətnamə almaq üçün imtahanın və müsahibələrin keçirilməsi Qaydası"na dəyişikliklər edilməsi barədə 30" iyun 2015-ci il tarixli, 8 nömrəli qərarı, <http://e-qanun.az/framework/30376>

<sup>25</sup> Cabinet of Ministers order No 116 on Approval of Changes to Instruction on Rules to Conduct Activities of Notary Public dated 18 May 2012

<sup>26</sup> How Will Real Estate Be Bought and Sold at Notary Public Offices? Gun Xeber news agency, 22 May 2012

<http://gunxeber.com/?p=11557>

<sup>27</sup>Cabinet of Ministers order No 66 on Approval of Changes to Instruction on Rules to Conduct Activities of Notary Public dated 15 March 2012

<sup>28</sup> Presidential decree dated 13 June 2012 and Presidential order dated 1 September 2012

<sup>29</sup> TA random monitoring of ASAN centers Jan- June 2013

any public service, people still prefer to go there. It is commendable that people with disabilities are exempt of the extra fee for this service through ASAN centers.<sup>30</sup>

One of the suggestions was to introduce electronic kiosks that provide information on the range of services, tariffs, as well as accept payments for the services of notary public. The kiosks were introduced, but neither the staff nor customers could use those at the time<sup>31</sup>. Kiosks at notary public are operational now and notary public delegated their staff or made arrangements with banks to second their staff to help customers to use kiosks to make payments and/or receive information<sup>32</sup>. Technical infrastructure of notary public offices was in need of enhancement - those were fully equipped and connected to the information system of the Ministry of Justice under Judicial Modernization project of the Ministry with the support of the World Bank.

TA believed that the private notary public were in a disadvantaged position as compared to their state counterparts (funded by the state) and suggested increasing tariffs to improve financial sustainability of private notary public. As per respective changes to the legislation,<sup>33</sup> the state dues were raised. Increase in the number of private notary public was viewed as a good tool to ensure competition and stimulate the state notary public offices to work in a more efficient way. By the end of June 2013, more than a third of all notary public offices were operated by private notary public, which testifies that this recommendation was accepted<sup>34</sup>.

#### *Recommendations*

- To introduce the system of electronic queue;
- To improve conditions for customers waiting for their turn (customer friendly environment) and provide workers at notary public with the uniform.

#### **b) Registration of civil status acts (marriages)**

Recent changes to the Family Code ensure mandatory health check-up and provision of medical consultations to people willing to enter into a marriage.<sup>35</sup> Under the law<sup>36</sup>, check up shall include blood analysis (for hemoglobin pathological diseases; HIV/AIDS and syphilis). Also, medical-genetic, medical-physiologic and family planning consultations shall be provided.

#### *Problems*

In practice, medical check-up is limited to blood analysis. Also, though the law specifically mentions that medical services are free of charge, in practice, blood analysis turns out to be a fee based service.

#### *Recommendations*

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<sup>30</sup> Cabinet of Ministers' order No 267 dated 16 November 2012

<sup>31</sup> TA random monitoring of notary public offices in February-March 2012

<sup>32</sup> TA random monitoring of notary public offices in March-April 2013

<sup>33</sup> Changes to the Law on State Dues dated 1 January 2013

<sup>34</sup> Azerbaijan Plans to Increase the Number of Private Notary Public Offices, interview of Mehman Soltanov, head of Notariat Department, of Registration and Notariat Az Trend news agency, 28 June 2013 <http://az.trend.az/news/society/2165812.html>

<sup>35</sup> Azərbaycan Respublikasının Ailə Məcəlləsində dəyişikliklər edilməsi haqqında AR 17.10.2014-il tarixli Qanunu, [www.president.az](http://www.president.az)

<sup>36</sup> Azərbaycan Respublikası Nazirlər kabinetinin 122 nömrəli 28.04. 2015il tarixili qərara 2 nömrəli 05.08.2015 tarixli əlavə, [www.e-qanun.az](http://www.e-qanun.az)

- in order to ensure that the service is rendered free of charge at public institutions to set up a dedicated information and complaint hotline or e-service at the website of the Ministry of Health;
- to add hepatitis B and C to the list of diseases for mandatory check up;
- to provide medical-genetic, medical-physiologic and family planning consultations, as set forth in the law.

**(c) Registration of civil status acts (birth certificates)**

*Accomplishments*

Regulation that sets forth the procedure for registration of children without proper documents was streamlined<sup>37</sup>. Thus, the circumstances when there is a need to appeal to the court were minimized. In two most common cases of absence of the proper documents on a child, the request to issue documents is to be submitted to the Registration Department of the Ministry of Justice by a special commission. Now the Commission can act on behalf of children found upon a request from the police; whereas for children left at maternity hospitals by parents, the same Commission proceeds upon appeal from the hospital.

Ministry of Justice is one of the few public agencies that have a dedicated phone<sup>38</sup> based and online hotline<sup>39</sup> to receive complaints of corruption suspicions of its employees. Also, Registration and Notary Public head department introduced its own phone based hotline to receive complaints.<sup>40</sup>

*Recommendation*

- To adopt a specific Law on Civil Acts that will provide a clear notion of the civil status;
- To set forth in the legislation the list of special circumstances that provides justification for permission by local authorities to conclude an early marriage<sup>41</sup>.
- To enhance integration between data bases of the Ministry of Justice and other respective agencies to reduce paperwork for applications:
  - Firstly, with the Ministry of Health; thus, the e-service on application for certificate of death requires uploading death certificate, which are anyway entered into the data base of the Ministry of Health and can be easily extracted there from;
  - Secondly, with the Courts to allow extracting court decisions; such as rulings on permission for child adoption or divorces or deprivation of parents' rights.

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<sup>37</sup>Decision of the Cabinet of Ministers dated 8 August 2014 on the Changes to the Rules on State Registration of Civil Acts approved by the decision of the Cabinet of Ministers No 145 of 31 October 2003

<sup>38</sup> 012 539-76-75

<sup>39</sup> www.justice.gov.az

<sup>40</sup> Landline 012 404 42 87 or 88

<sup>41</sup> Marriage minimum age is set at 18 for boys and girls, however, under the law in unspecified circumstances with the permission from local authorities, marriage age for girls can be reduced to 17 years of age

#### IV. REAL STATE COMMITTEE ON PROPERTY ISSUES

(Along with other relevant state agencies involved in state regulation of real estate)

##### *Accomplishments*

The main part of TA recommendations involve undocumented real estate (real estate, which lacks or cannot be granted requisite documents for state registration of the property right to it), including the registration of apartment houses and individual houses. A set of important steps have been taken to improve the quality of the foregoing services.

The identification of “The list of documents confirming acquisition of rights to real estate” approved by presidential decree dated January 13, 2015 has resulted in an expedited registration of property rights to residential and non-residential areas. The Committee’s mass distribution of extracts from registry in the capital and the regions evidences that there is an increase in the scope of activities in this field.<sup>42</sup> Still, the presidential decree’s scope does not extend to hundreds of thousands of houses illegally constructed in the capital and hampering development of an effective policy in this area.

Another major development in the reporting period was ASAN Service centers’ launch of several real estate related public services, still the Committee has an exclusive right to conduct initial registration of property rights to newly built individual houses.

The Committee has introduced a single window system to receive and process documents with different content, which are required during the initial registration of property rights (extracts from the cadastre and the registry).<sup>43</sup> There is not enough data to assess the quality of this service, because feedback from the customers is not systematically collected and disclosed to the public.

As a result of the electronic data interchange between the Committee and notaries since 2014, the notaries can access in real time information regarding the description of real estate, rights to this property registered by the state and real estate encumbrances. But the underdevelopment of the real estate database prevents the notaries from accessing all relevant information.<sup>44</sup>

In order to register the construction units built in illegally occupied state or municipal lands and inhabited by individuals for a long time, the Committee has begun to sell these lands to these citizens through privatization. However, this practice is used in a limited manner and does not cover Absheron district and Baku.

The adoption of the rules on state registration of buildings and the publication of information from the registry on some buildings on the website of State Committee Urban Planning and Architecture are positive changes, but the shared information does not realistically cover the entire range of apartment houses.

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<sup>42</sup> В Баку начали массово выдавать купчие в новостройках, 30 Октября 2015, <http://haqqin.az/news/56057>

<sup>43</sup> <http://az.trend.az/business/economy/2438863.html>  
<http://www.trend.az/business/economy/2417160.html>

<sup>44</sup> <http://transparency.az/alac/files/Elektron%20xidmet%20son%20hesabat%20TI%20AZ.pdf>

One of the beneficial measures in regards to tackling numerous problems in construction and registration of apartment houses is the establishment of State Agency for Housing Construction and the forging of the legislative basis to regulate its operation. The setting up of a centralized state body offers certain opportunities toward eradicating problems accumulated over the long period of time. However, the public is not being informed about the efforts made in organizing the activities of the Agency.

Another key change in registering real estate is the approval of “Procedural rules of receiving, verifying and granting documents for state registry of rights to real estate” and “Instructions on issuing certificate on description of real estate, rights to this property registered in the state registry and encumbrances”.<sup>45</sup>

The approval of “Rules on the content of information included in the state registry, submission and registry thereof” by the Cabinet of Ministers is a positive development in the way of setting up a single database of apartment houses. A publicly accessible database of newly constructed apartment houses shall allow the citizens to make informed decisions when purchasing real estate in apartment houses.

Besides, under relevant amendments made to Code of Urban Planning and Construction, the statutory period for provision of opinion by respective state bodies on the planned construction was reduced from 30 to 15 days.<sup>46</sup>

#### *Problems*

A Commission has been set up to compile the list of houses built without permission, but over the 4 years there has not been any activities report to inform the public. Interviews with the citizens has revealed that they were not provided any information, made recommendations to or any steps leading to positive changes in this regard were taken. The situation has essentially remained the same, mass trials were conducted, which have resulted in decisions unfavorable to the citizens and worsening their social situation.

Another problematic situation is the ceasing of auctions, which were aimed at enabling the individuals residing in municipal lands and using it for a long time to purchase these lands.

The following recommendations provided by TA to concerned state bodies remain topical.

#### *Recommendations:*

##### *Registration of real estate*

- Classify the courses of action per specific cases in addressing the problem of officially recorded unauthorized buildings and implement a full-package of actions in that regard. Part of these buildings should be documented and property rights to them

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<sup>45</sup><http://www.azerbaijan-news.az/index.php?mod=3&id=80217>

<sup>46</sup> Şəhərsalma və Tikinti Məcəlləsində dəyişikliklər edilməsi haqqında Azərbaycan Respublikasının Qanunu, 28 aprel, 2015-ci il, [www.president.az](http://www.president.az)

formally registered through property amnesty, others by swapping with housing in other locations and the rest through court decisions.

- The documentation of the lands illegally occupied prior to the entering into force of “Law on management of municipal lands” (16 August, 2001) should be completed in accordance with “Regulations on preparing and coordinating documents of municipal land allotments”.
- ASAN Service centers should also be able to conduct initial registration of property rights to individual houses.
- Documents required for registration of newly constructed apartment houses or individual houses, which require construction permits or notification of respective bodies, should be electronically circulated among relevant state bodies.
- The list of documents required for construction, commissioning and registration of apartment houses, individual houses, as well as non-residential buildings should be reduced and the exact scope of the documents required should be identified.
- In order to register the construction units built in state or municipal lands illegally occupied and inhabited by individuals for over 5 years, the Committee should expedite the sale of these lands to concerned citizens through privatization; and the scope should be expanded to cover Absheron district and Baku.

#### *Access to information*

- Individuals wishing to purchase an apartment should have access to information on apartment houses, the legal person doing the construction should create a website, place information on apartments in the ongoing or planned construction unit, progress with the construction process and other relevant information on this webpage.
- The public should be informed about the activities of the Commission set up under the Presidential Administration to settle disputes on residential houses and other buildings, and it should be made accountable to the public.
- The draft law on “Legalization of rights to residential buildings and land areas, property rights to which cannot be registered as prescribed by the existing law” should be made publicly accessible and open to public discussion.

#### *Governance*

- Competent state bodies in the area of real estate registration and management should better coordinate their operation and they should forge effective partnership relations.
- Under the legislation, officials should be held accountable for unlawful acts involving illegal interference with construction of individual houses, abuse of state oversight of construction of these houses and obstruction of the commissioning of the building (Administrative liability for officials should be envisaged for such unlawful acts in Code of Administrative Offences).
- Public Council, made up of civil society institutions should be established under the Committee and the Committee should cooperate systematically with the civil society organizations.
- Judicial practice involving unauthorized constructions should be reviewed and the public be informed about it. When disputes involving such constructions are considered by the Supreme Court, the passing of a separate decision on main recommendations could have a significant impact on the emergence of positive judicial experience.



## V. UTILITIES

### *Common accomplishments*

TA's recommendations emphasized the importance of provision of controllers with indexer apparatus. Presently, all three communal service providers' controllers are provided with indexer apparatus.

Certain services with regards to provision of utilities will be given to ASAN centers. Respectively, ASAN communal centers are being established in accordance with presidential decree.<sup>47</sup>

### *Common problems*

E-payment tools are available for all three services, but neither allows seeing itemized consumption history with payments made.<sup>48</sup>

Rights of consumers are not protected properly by contracts between consumers and providers.

Losses of utilities are significant. Thus, Azerbaijan remains energy-inefficient, with a very high rate of transmission and distribution losses at 20.47 (% of output) as of 2010, while its lowest value was 10.45 in 2005.<sup>49</sup>

## **Azerigas PU**

### *Accomplishments*

Procedures to extend Technical Terms for building owners to connect to the system of gas supply, as well as other services related to gas supply are simplified. The issuance of Technical Terms has been delegated to ASAN centers<sup>50</sup>, for example, in Ganja the process has been launched.

### *Problems*

The process of installation of smart meters for gas suppliers has been launched<sup>51</sup>, however, the process is slow and cases when payment is demanded from household consumers, that shall receive new meters free of charge, can be encountered with. Also, in case of old meters practically no devices to read readings of the meter and produce electronic bills are available in the regions<sup>52</sup>.

## **Azersu: rules of water use adopted**

### *Accomplishments*

In the past provision of water to the customers was not regulated by any special guidelines whatsoever; neither standard contracts with consumers (both from among

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<sup>47</sup> "ASAN Kommunal" mərkəzlərinin yaradılması ilə bağlı tədbirlər haqqında Azərbaycan Respublikası Prezidentinin Fərmanı, <http://www.president.az/articles/19688>

<sup>48</sup> Konstitusiya Araşdırmaları Fondunun kommunal sektoru mütəxəssisi Ələkbər Ağasıyev, 10 dekabr 2013 müsahibə

<sup>49</sup> Index Mundi, 2011 <http://www.indexmundi.com/facts/azerbaijan/electric-power-transmission-and-distribution-losses>

<sup>50</sup> "Azəriqaz"ın səlahiyyəti alındı - Texniki şərtləri "Asan xidmət" verəcək. 11 November 2015

<http://www.qafqazinfo.az/iqtisadiyyat-4/qaz-cekdimək-pulsuz-olacaq-rovneq-abdullayev-video-128294>

<sup>51</sup> Interview with Alekper Ağasıyev, expert in supply of utilities dated 16.12. 2015

<sup>52</sup> Complaints submitted by customers of Transparency Azerbaijan Advocacy and Legal Advice Centers

household and commercial entities) were available. Rules of Water Use have been finally adopted and approved<sup>53</sup>. The Rules clearly indicate rights and obligations of both suppliers and consumers.

The process of installation of water meters is expected to be expedited by a new presidential decree<sup>54</sup>.

### **Azerishiq (Baku Electric Network)**

#### *Accomplishments*

Azerishiq (Baku Electric Network) placed on its website the list of possible problems encountered by the customers and steps to be taken to amend those. The website<sup>55</sup> also offers a tool to learn liabilities for electricity consumed.

#### *Recommendations*

- To review legal framework regulating the customer-supplier relationship and to set forth responsibilities of the supplier;
- To expedite the process of smart meters installation in line with the provisions of the law for free installation of new meters for household consumers;
- To create online payment tool for installation of smart-meters;
- To allow seeing itemized consumption history with payments made;
- To integrate payment for utilities supply and installation of meters into the single e-government portal;
- To tighten control over violation of procedures by the suppliers' inspectors;
- To place comprehensive information about suppliers' activities; and establish Azerigas website;
- To create dedicated complaints hotlines;
- To adopt Code of Ethics for employees of the water, gas and electricity supply system;
- To annually organize opinion surveys with participation of independent experts, media and civil society;
- Problems with corruption and corporate management in this sector shall be attended to;
- To split the functions of electric energy production and transmission from distribution all over the country.

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<sup>53</sup> Order of the Cabinet of Ministers № 262, 17 July 2014 on Approval of the Rules for Water Use, [www.cabmin.gov.az](http://www.cabmin.gov.az)

<sup>54</sup> "İstehlakçuların suölçən cihazlarla təmin edilməsi ilə bağlı tədbirlər haqqında" Azərbaycan Respublikası Prezidentinin 29.03. 2016-cı il tarixli sərəncamı, [www.president.az](http://www.president.az)

<sup>55</sup> [www.bes.az](http://www.bes.az)

## VI. OTHER AREAS

### i. Taxation on Sales of Real Estate

#### *Accomplishments*

A flat rate based on the size (footage), geography and destination (residential and non-residential) for taxation from the sales of buildings/constructions<sup>56</sup> was introduced as of 1 January 2016.

#### *Problems*

However, the rule for taxation of land is unchanged and is still based on the profit on paper made by the seller, i.e. difference between the cost of original purchase and sales. In the result, since 2016 two different methods are applied to taxation of the two types of real estate: constructions and land, which creates confusion and unfair taxation. Taxation of profit from sales of agricultural land at the same rate as the land used for commercial purposes without taking into account the quality of soil<sup>57</sup>, evokes special concerns as it will inevitably harm agricultural production and lead to rise of their prices.

#### *Recommendations*

To adopt respective changes to the legislation:

- Enabling to calculate the tax from the sales of the land depending on its footage, geographic location and destination (residential or non-residential). In other words, to establish a fixed rate for 100 sq. m., for example, at 20 AZN multiplied by geographic coefficient multiplied by a coefficient for the land used for non-residential purposes.
- Agricultural land shall be taxed separately. A fixed rate, for example 20 AZN for 100 sq.m. multiplied by geographic coefficient multiplied by a coefficient for the soil quality (the system of bonitet scale).

### ii. Recruitment and performance assessment for civil servants

#### *Accomplishments*

The Commission on Civil Service adopted the "Rules on Evaluation of Job Performance of Civil Servants" approved by the Cabinet of Ministers decree<sup>58</sup>. The Rules provide a legal framework for merit-based assessment and rewarding of public employees annually. Also, the Commission developed and discussed with all stakeholders involved, including civil society, the draft Civil Service Code<sup>59</sup>.

To further improve transparency of the recruitment process, the Commission introduced a system enabling to follow the test examination live online starting from 2014<sup>60</sup>. In 2015 a new system of online "mock" test examination was introduced to help

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<sup>56</sup>Amendments to the Tax Code dated 7 December 2015 to enter into force as of 1 January 2016

<sup>57</sup>NK-nın 230 nömrəli 29 dekabr 2000-ci il tarixli Kənd təsərrüfatı təyinatlı torpaqlar haqqında qərarı

<http://www.taxes.gov.az/modul.php?name=qanun&news=506>

<sup>58</sup>"Dövlət qulluqçusunun attestasiyasının keçirilməsi Qaydaları"nın təsdiq edilməsi haqqında Nazirlər Kabinetinin 19.11. 2015-ci il tarixli qərarı № 367, [www.csc.gov.az](http://www.csc.gov.az)

<sup>59</sup> Dövlət Qulluğu Məcəlləsi" layihəsinə dair keçirilmiş ictimai 24.12. 2014-cü il tarixli -müzakirədə verilmiş təkliflər, <http://csc.gov.az/index.php/home/post/1286>

<sup>60</sup> Meeting of the Cooperation Network for Civil Service Organized; Fact Xeber newspaper, 26 December 2013, <http://faktxeber.com/>

the applicants to test their knowledge and better prepare for the examination to the civil service<sup>61</sup>.

Pursuant introduction in 2014 of a system enabling to follow the test examination live online starting from 2014 and of a new system of online “mock” test examination in 2015, both aimed to help the applicants for the civil service to test their knowledge and better prepare for the examination to the civil service<sup>62</sup>; numerous TV programs have been organized and advertisement video clips<sup>63</sup> released to assist applicants for the civil service to understand the application process and shall serve as a model for other public agencies.

#### *Recommendations*

- To expedite final adoption of the Civil Service Code;
- To publish results of application of the Rules on Evaluation of Job Performance of Civil Servants<sup>64</sup>, which provide a legal framework for annual merit-based assessment and rewarding of public employees.

### **iii. Quality of public service**

The presidential decree orders to create ASAN service index that will be used to assess quality of the public services, on a number of criteria, including medium, timing, customer satisfaction, feedback mechanisms, transparency, etc <sup>65</sup> . Transparency Azerbaijan at the ASAN's request shared its original methodology of assessment of e-services<sup>66</sup>.

### **iv. Business inspections**

#### *Accomplishments*

Several legal acts aimed to keep accurate records of inspections of the private sector and minimize them have been adopted. <sup>67</sup>. In August 2015 access to the Single Information Registry on Inspections of Entrepreneurial Sphere operated by the Ministry of Justice has also been given to the Ministry of Economy<sup>68</sup> as the main regulator for business activities in the country. Moreover, in order to give businesses a respite, the new law<sup>69</sup> and subsequent presidential decrees<sup>70, 71</sup> provide legal basis for considerable limitation

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<sup>61</sup> Interview with Vugar Askerov, Civil Service Commission, 22 April 2015 and [www.csc.gov.az](http://www.csc.gov.az)

<sup>62</sup>[www.csc.gov.az](http://www.csc.gov.az)

<sup>63</sup> [www.csc.gov.az](http://www.csc.gov.az)

<sup>64</sup>[www.csc.gov.az](http://www.csc.gov.az)

<sup>65</sup> Dövlət və bələdiyyə orqanlarında, dövlət və ya bələdiyyə mülkiyyətində olan və ya paylarının (səhmlərinin) nəzarət zərfi dövlətə və ya bələdiyyəyə məxsus olan hüquqi şəxslərdə və büdcə təşkilatlarında vətəndaşların müraciətləri ilə bağlı karguzarlığın aparılması Qaydası'nın təsdiq edilməsi haqqında Azərbaycan Respublikası Prezidentinin Fərmanı, 9 iyun 2016-cı <http://www.president.az/articles/20385>

<sup>66</sup> E-development Index of Public Agencies, 2015-2016, Baku, September 2016, Mahamamd Muradov, Transparency Azerbaijan, [www.transparency.az](http://www.transparency.az)

<sup>67</sup> Advocacy round table on “ASAN Business”, 09.06.2015 under TA National Integrity System project, [www.transparency.az](http://www.transparency.az)

<sup>68</sup> Azərbaycan Respublikası Prezidentinin 15.02.2011-ci il tarixli Fərmanı ilə təsdiq edilmiş “Sahibkarlıq sahəsində aparılan yoxlamaların vahid məlumat reyestrinin forması və aparılması qaydası haqqında Əsasnamə”də dəyişikliklər edilməsi barədə Azərbaycan Respublikası Prezidentinin 10.08.2015-cil il tarixli Fərmanı , [www.president.az](http://www.president.az)

<sup>69</sup>Sahibkarlıq sahəsində aparılan yoxlamaların dayandırılması haqqında Qanunu, 26.10.2015-ci il tarixli, [www.president.az](http://www.president.az)

<sup>70</sup>“Sahibkarlıq sahəsində aparılan yoxlamaların dayandırılması haqqında” Azərbaycan Respublikasının 20.10. 2015-ci il tarixli 1410-IVQ nömrəli Qanununun tətbiqi və sahibkarlıq sahəsində aparılan yoxlamaların dövlət tənzimlənməsinə dair əlavə tədbirlər barədə26.10. 2015-ci il tarixli Prezidentinin Fərmanı, [www.president.az](http://www.president.az)

of inspections. A hotline was established for businesses to report on illegal inspections. Although, in practice, illegal inspections do take place<sup>72</sup>, the number of inspections (except tax inspections) has decreased strikingly from 19,300 to 34 in the first quarter of 2015.<sup>73</sup>

#### *Recommendations*

- To explicitly state penalties for individual officials and agencies involved in illegal inspections;
- To publish information about violators and penalties imposed in this regard.

### **v. Licensing**

#### *Accomplishments*

In October 2015 President of Azerbaijan, inter alia, underlined problems of the SMEs in seeking licenses and permits for entrepreneurial activities<sup>74</sup>. According to the presidential decree aimed to simplify the process of licensing and increase its transparency and efficiency<sup>75</sup>, the number of areas requiring license decreased from 56 to 37. Moreover, provision of licenses in a centralized way through ASAN and electronic services is to be provided by Ministry of Economy and ASAN centers. In other words, separate state agencies are deprived of giving all kinds of licenses and only Ministry of Economy is empowered to do that. Currently, 26 permanent licenses are being provided to businesses at ASAN centers<sup>76</sup> in addition to 87 business permits. Electronic portal on licenses is on the way. Hopefully, a new dedicated law on licenses and permits, as well as the following presidential decree assigning to design the written procedures for issuing licenses and permissions will set clear guidance for the process of licensing<sup>77, 78</sup>.

#### *Recommendations*

- To create equal licensing regime for state owned and private companies;
- To streamline the system of permits and certificates;
  - to make a list of permits and certificates and respective issuing agencies;
  - to clearly state their terms of validity;
  - to establish a simplified mechanism to renew permits and certificates;
- To make sure that business permits and licenses are awarded through e-services (e-license) rather than information is provided (e-information) or applications are accepted (e-application).

### **vi. Citizens to Government Relations**

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<sup>71</sup>Sahibkarlıq sahəsində aparılan yoxlamaların dayandırılması haqqında” Azərbaycan Respublikasının Qanununa əsasən insanların həyat və sağlamlığına, dövlətin təhlükəsizliyinə və iqtisadi maraqlarına mühüm təhlükə yaradan hallar üzrə aparılmasına yol verilən yoxlamaların 26.10.20150 cil il tarixli Siyahısı, [www.president.az](http://www.president.az)

<sup>72</sup>Interviews with 6 business owners by TA in December 2016

<sup>73</sup> EU Business Climate Survey Report, 2016

<sup>74</sup>Ильхам Алиев призвал бороться с монополиями, 12.10.2015, <http://haqqin.az/news/54802>

<sup>75</sup>Sahibkarlıq fəaliyyətinin xüsusi razılıq (lisenziya) tələb olunan növlərinin sayının azaldılması, xüsusi razılıq (lisenziya) verilməsi prosedurlarının sadələşdirilməsi və şəffaflığının təmin edilməsi haqqında Azərbaycan Respublikası Prezidentinin 10.10.2015-cil il tarixli Fərmanı; [www.president.az](http://www.president.az)

<sup>76</sup> <http://asan.gov.az/az/content/index/412#.V2hP5LiLSM8>

<sup>77</sup> Lisenziyalar və icazələr haqqında Azərbaycan Respublikasının Qanunu, 15 mart, 2016, [www.president.az](http://www.president.az)

<sup>78</sup> Lisenziyalar və icazələr haqqında” Azərbaycan Respublikasının 2016-cı il 15 mart tarixli 176-VQ nömrəli Qanununun tətbiqi barədə Azərbaycan Respublikası Prezidentinin Fərmanı, 20.04. 2016, [www.president.az](http://www.president.az)

## a) Government hotlines

### *Accomplishments*

At the end of 2008 TA monitored existing hotlines<sup>79</sup> (only four were available at the time at Ministry of Education, Ministry of Tax, State Social Protection Fund and Prosecutor General's) and put together a report with findings and recommendations. The main observation was that both telephone and internet based hotlines of public agencies lacked single methodology and guidance for setting up and operation. Since 2008 TA repeatedly recommended the government through ALAC and subsequent APT project to adopt single regulation. The newly adopted Rules<sup>80</sup> attend to this problem.

### *Problems*

Accountability and transparency are the key to the credibility of the hotlines – regular statistics shall be published. Article 10 regulates reporting of call centers; however, does not mandate public disclosure of their reports.

Civil society hotline can work to bolster effectiveness of government hotline by providing support in the form of training in procedures and push for accountability and transparency of the information gathered by public hotlines. The Rules do not refer to any form of cooperation with the civil society.

The hotline shall have the status of a separate structural unit; have its own budgets and formal procedures in writing. Good advertisement campaign, especially in the provinces, is a key to the hotline success. These issues are not covered in the regulation.

### *Recommendations*

- To mandate public disclosure of the hotlines statistic and analytical reports;
- To add provisions that ensures certain freedom of action within set boundaries for the hotlines, i.e., status of a separate structural unit, their own budgets and formal procedures in writing;
- To mandate cooperation with the civil society and specify its forms;
- At citizens' request to make audio records of the appeal available to the caller.

## b) Protection of whistle blowers

### *Accomplishments*

The legislative work group was established and two NGOs (TA and its partner under APT project Constitution Research Foundation) were invited along with two public agencies (National A-C Commission and Civil Service Commission)<sup>81</sup>. The draft law has been developed and input from respective public agencies and experts collected. The draft has been sent to the parliament to include into the agenda for discussion<sup>82</sup>.

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<sup>79</sup>Hökumət qaynar xəttlərinin daha da effektivləşdirilməsi, Transparency International, 2009, [www.transparency.az](http://www.transparency.az)

<sup>80</sup>Dövlət orqanlarında çağrı mərkəzlərinin fəaliyyətinin təşkili Qaydaları"nın təsdiq edilməsi haqqında Azərbaycan Respublikasının Nazirlər Kabinetinin 25.02.2015-cil il tarixli qərarı, [www.taxes.gov.az](http://www.taxes.gov.az)

<sup>81</sup> The Law on Whistle blower protection will be publicly discussed in Azerbaijan, Trend news agency, 31.07. 2014, <http://az.trend.az/news/society/2295039.html> v

<sup>82</sup> Correspondence of Transparency Azerbaijan with the working group dated November 2015

### *Recommendations*

- To organize public discussions of this socially important draft law;
- To expedite adoption of the whistle blower protection law;
- To encourage law enforcement bodies to act upon complaints filed by whistle blowers independently and through civil society organizations.

### **c) Citizens' registration at the place of residence**

#### *Accomplishments*

According to the new regulation<sup>83</sup>, the Form No 2, certifying to registration of the place of residence of citizens with the police, will now be easily obtained from ASAN centers within one working day. The new tool does not annul the previous paper based form issued by local bodies that will still be in demand by rural and small town residents outside of ASAN coverage.

#### *Problems*

This form is redundant and shall be annulled altogether, as the national ID has respective information, which is also available in YAMAS data base run by the same Ministry of Internal Affairs.

Another problem with registration is that due to difficulties with processing title documents for real estate and mass movement of people from provinces to big cities, many people do not actually live at the place of registration, which creates many problems for authorities in finding people<sup>84</sup>.

#### *Recommendations*

- To annul the form No 2;
- To introduce the institute of actual residence along with residential registration, analogue to legal and actual address for legal entities.

### **d) Public Councils**

The Law on Public Participation was adopted and entered into force 1 June 2014. In accordance with the law, public agencies, such as Ministry of Labor and Social Protection of Population, Ministry of Education, State Agency for Innovations and Citizens Services, Ministry of Communication and High Technologies, Ministry of Justice began to establish or develop existing monitoring councils together with the civil society.

### **e) Applications from citizens**

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<sup>83</sup> Dövlət xidmətlərinin göstərilməsində şəffaflığın artırılması, yaşayış yeri üzrə qeydiyyat və lisenziyalaşdırma prosedurlarının elektronlaşdırılması sahəsində bəzi tədbirlər haqqında Azərbaycan Respublikası Prezidentinin 31.08.2015-ci il tarixli Fərmanı, [www.president.az](http://www.president.az)

<sup>84</sup> Advocacy round table on taxation of real estate, 20 November 2015, [www.transparency.az](http://www.transparency.az)

The presidential decree approved of rules on conducting clerical work regarding applications from citizens in state and municipal bodies, as well as state enterprises, i.e. how the applications will be received, recorded and attended to<sup>85</sup>.

## vii. Performance assessment for teachers

### *Accomplishments*

Pursuant to the completion of the pilot performance assessment launched in 2014<sup>86</sup>, the process of performance assessment for teachers<sup>87</sup> is in full swing in the regions of the country. 10% of increase of salaries for the teachers that have successfully passed the pilot performance was started<sup>88</sup>.

### *Problems*

Teacher's remuneration remains extremely low and discourages gifted youth from entering into the profession. Also, results of the performance assessment are not disclosed to the public.

### *Recommendations*

- To disclose detailed statistics on teacher performance assessment results, i.e. how many teachers participated; what is the percentage of those who failed; the percentage of those with highest scores; financial and administrative repercussions for participants depending on the results of assessment, etc.

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<sup>85</sup> Dövlət və bələdiyyə orqanlarında, dövlət və ya bələdiyyə mülkiyyətində olan və ya paylarının (səhmlərinin) nəzarət zərfi dövlətə və ya bələdiyyəyə məxsus olan hüquqi şəxslərdə və büdcə təşkilatlarında vətəndaşların müraciətləri ilə bağlı kargüzarlığın aparılması Qaydası'nın təsdiq edilməsi haqqında Azərbaycan Respublikası Prezidentinin Fərmanı, 9 iyun 2016-cı <http://www.president.az/articles/20385>

<sup>86</sup> Микаил Джаббаров обещает поднять зарплаты учителям, 11.09.2014 , <http://haqqin.az/news/29828>

<sup>87</sup> Advocacy round table Current situation in pre-school education, problems and development perspectives, 29.11. 2010, [www.transparency.az](http://www.transparency.az)

<sup>88</sup> İmtahandan keçmiş müəllimlərin maası artırıldı, 18.03.2016, [www.transparency.az/cnews](http://www.transparency.az/cnews) and [www.edu.gov.az](http://www.edu.gov.az)



## Attachment No 1

### List of advocacy round tables conducted by TA from September 2012 to September 2016 with various public agencies under APT project

No	Date	Agency	Topic
1	11 March 2013	Ministry of Labor and Social Protection of Population	The Role of Targeted Social Aid in the Overall Social Protection System
2	29 April 2013	State Property Committee and State Registry of Real Estate	Increasing Transparency in Registration of Real Estate
3	17 May 2013	Ministry of Justice	Reforms and Problems in the Notary Public Service
4	28 June 2013	Baki Electric Shebeke JOJSC	Problems Experienced by the Population in Electric Power Supply and Their Solutions
5	21 Feb. 2014	Ministry of Labor and Social Protection of Population	Main Problems in Legal and Social Protection of People with Disabilities
6	25 June 2014	Azerigas OJSV	Problems Experienced by Population in Gas Supply and Their Solution
7	28 Aug. 2014	Ministry of Justice	Issues in Registry of Civil Statutes Acts
8	12 Dec. 2014	State Property Committee and State Registry of Real Estate	Addressing Problems and Raising Transparency in Registration of Apartment Houses
9	28 Jan. 2015	Azersu OJSV	Increasing Transparency in Water Supply
10	2 April 2015	Ministry of Labor and Social Protection of Population	Problems in Labor Relations and Their Solutions
11	28 July 2015	State Property Committee and State Registry of Real Estate	Addressing Problems in Registration of Private Houses
12	20 Nov. 2015	State Property Committee and State Registry of Real Estate; Ministry of Tax	Taxation of Real Estate
13	24 Dec. 2015	Azerigas OJSV	Protection of the Rights of Consumers: Increasing Transparency and Ways To Solve Problems in gas Supply
14	3 Feb. 2016	State Property Committee and State Registry of Real Estate	Registration of Undocumented Real Estate
15	19 Feb. 2016	State Social Protection Fund	Problems in Areas of Social Security and Pension Provision and Ways to Solve Them
16	20 Feb. 2016	Ministry of Justice	Results of Monitoring and Assessment of Notary Public

## Attachment No 2

### List of advocacy round tables conducted by TA from September 2010 to September 2012 with various public agencies under ALAC project

No	Date	Agency	Topic
1	29 Nov. 2010	The Ministry of Education	Current Situation in Pre-school Education, Problems and Development Perspectives
2	02 Feb. 2011	State Civil Service Commission	Improvement of Good Governance Principles in Civil Service
3	30 March 2011	Judicial Legal Council of	Improvement of Transparency of Judicial System
4	14 June 2011	Baki Electric Shebeke OJSC	Problems Experienced by Population in Electric Power Supply and Their Solution
5	21 June 2011	Ministry of Labor and Social Protection of the Population	Problems Experienced by Population in Access to Targeted Social Aid and Their Solution
6	28 June 2011	Azerigas OJSV	Problems Experienced by Population in Gas Supply and Their Solution
7	04 Oct. 2011	State Social Protection Fund	Problems in Access to Pensions and Their Solution
8	11 Nov. 2011	Azersu OJSV	Problems Experienced by Population in Water Supply and Their Solution
9	06 Dec. 2011	Ministry of Labor and Social Protection of the Population	Violations of Law in Labor Relations
10	10 April 2012	State Property Committee and State Registry of Real Estate	Increasing Transparency in Registration of Real Estate
11	26 April 2012	Ministry of Justice	Reforms and Problems in the Notary Public Service
12	14 May 2012	Milli Majlis (Parliament)	Further Development of the Anti-corruption Normative- Legal Basis in Azerbaijan

All recommendations in Azerbaijani language are available at [www.transparency.az](http://www.transparency.az)