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**Istanbul Anti-Corruption Action Plan for
Armenia, Azerbaijan, Georgia, Kazakhstan, the Kyrgyz Republic,
the Russian Federation, Tajikistan and Ukraine**

AZERBAIJAN

**MONITORING REPORT
OCTOBER 2005**

This report includes two main parts: the update presented by the government of Azerbaijan about national actions to implement the recommendations, which were carried out since the previous update in December 2004; the summary of the expert opinion by Goran Klemencic, Slovenia, and Valts Kalnins, Latvia, and of the discussion, which took place at the Istanbul Action Plan meeting on 20-21 October 2005, Paris, France.

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I) NATIONAL ANTI-CORRUPTION POLICY AND INSTITUTIONS

1. Speed up efforts to adopt a comprehensive Anti-Corruption Program (Special State Program for Fighting Corruption) aiming at strengthening the implementation of anti-corruption measures. The Program should build on an analysis of the patterns of corruption in the country. It should propose focused anti-corruption measures or plans for selected institutions and have a balanced approach of repressive and preventive measures. The Program should also envisage effective monitoring and reporting mechanisms based on a participatory process which would include civil society in general and associations with experience in the area of anti-corruption, as well as the private sector / business community. In the light of this, ensure that the adopted strategy is widely disseminated within the civil service and among general public.

National implementation actions:

State Anticorruption Programme for years 2005-2006 was enacted by the Decree of the President of Azerbaijan of the 3rd September 2005. Draft Programme was developed with the participation of the inter-agency working group on the basis of analysis and consideration of peculiarities of administration, coordination of activity, precise separation of authorities and allocation of duties of public institutions. Twice in 2004 (April and August), the draft programme was subject to public discussion at the round table by the representatives of civil organizations, NGO's, associations of entrepreneurs, international organizations, diplomatic corps, as well as, leading lawyers. The final text of the Programme took note not only of the remarks and proposals of the public, formulated during the abovementioned sessions, but also of the recommendations elaborated within the framework of the Anti-corruption network for Transition Economies under Istanbul Plan of Actions. Cabinet of Ministers and Anticorruption Commission under the Public Service Administration Council, which oversees the implementation of the State Programme, have published their semi-annual reports covering the undertaken measures by means of electronic and other media. Implementation of State Programme is a regular topic of discussions at the joint meetings of public institutions, civil society and mass media.

2. Ensure involvement and participation of civil society in general and through associations with experience in the area of anti-corruption, as well as representatives of the private sector / business community in the work of the existing Commission for Fight against Corruption at the Civil Service Executive Board.

National implementation actions:

One of the crucial provisions of the State Programme on fight against corruption is involvement of the civil society, including civil organizations, in the course of implementation of this instrument. The potential of civil society on elaboration and evaluation of anticorruption legislation, as well as, raising of awareness of population is of particular significance. In this regard, the Commission passed the decision of the 30th January 2005 on the involvement of the non-governmental organizations, private sector and mass media in the improving of legislation, conducting sociological surveys and monitoring in the field of combating corruption, also by including them into the Working Groups under the Anticorruption Commission. In particular, representatives of the international and local non-governmental organizations and independent experts have been included into the Working Group on Elaboration of Anticorruption Legislation. During the short period of its activity the Working group has elaborated the Charter of the Working Group, reviewed a number of the bills and submitted its expert opinions. On the 8th June 2005, the Commission passed the decision on prescribing the research in the field of entrepreneurship as the main trend of activity of the new Working Group under Commission. Furthermore, the Commission has charged the Secretariat to involve the representatives of the entrepreneurial associations in the analytical work.(decision of the Commission are accessible in English at www.commission-anticorruption.gov.az)

3. Speed-up activities to implement the President's Decree "On Application of Anti-corruption Law" of 3 March 2004 and support the work of the Special Anti-corruption Department within the Prosecution Service with adequate resources for its proper functioning. This Department should be empowered to detect, investigate and prosecute corruption offences, as an autonomous Department with a special status integrated in the Prosecutor's Office with officers seconded from the main law enforcement agencies. This Department should have investigative, prosecutorial, administrative and analytical tasks. It is important that it includes specialized prosecutors. Apart from working on actual corruption cases, one of the main tasks of this Department would be to enhance inter-agency cooperation between a number of law enforcement, security and financial control bodies in corruption investigations (e.g. by adopting clear guidelines for reporting and exchange of information, introducing a team-work approach in complex investigations etc.); and to increase analytical capacities and ensure more efficient statistical monitoring of corruption and corruption-related offences in all spheres of the Civil Service, the Police, the Public Prosecutor's Offices, and the Courts on the basis of a harmonized methodology, which would enable comparisons among institutions.

National implementation actions:

In due course of implementation of the Presidential Decree on Implementation of the Anticorruption Act 2004, the Charter of the Anti-Corruption Department under the Prosecutor General was elaborated and enacted by the Presidential Decree of the 28th October 2004. Subject to the Charter, the main duties of the department are: accepting and reviewing of corruption offences related information; institution and investigation of criminal cases; ensuring that necessary detective-search measures are taken with a view to prevent, disclose and detect corruption offences, as well supervising the activity of the detective-search bodies within the criminal case under its jurisdiction; undertaking of measures to compensate the damage inflicted as a result of commission of the corruption offence and undertaking of the measures, provided by law, to secure the seizure of property; collecting, analysing and summarizing information on fighting against corruption, as well as, formulation of proposals and recommendations on the improvement of combating against corruption; ensuring the security of the participants of the investigation and trial in corruption cases; drawing of regular reports submitted by the Prosecutor General to the President of the state and the Anticorruption Commission; cooperating with the public and other institutions; ensuring the safety of the Department employees and their close relatives; informing the public about the course of their work in a transparent manner; and pursuing preventive and educational activity. Unlike the other departments of the Prosecutor's Office, the head of the Anti-Corruption Department is appointed by the Prosecutor General subject to the endorsement of the President of the state. Furthermore, the Head of the Anti-Corruption Department has an independent procedural status authorizing him *inter alia* to approve indictment bills in criminal cases under the jurisdiction of the Department. The Charter provides the secondment of specialised detective officers from law enforcement agencies. On the 14th March 2005, the head of the department was appointed. So far, as a result of the scrupulous scrutiny, the staffing of the Department has almost been completed from amongst the highly qualified officers of the prosecution service and other institutions, such as Ministry of Taxes. Wages of the employees of this Department are higher not only in comparison to the wages of other employees of the prosecution service, but also in comparison to the employees of law enforcement agencies.

4. Continue with corruption-specific joint trainings for police, prosecutors, judges and other law enforcement officials; provide adequate resources for the enforcement of anti-corruption legislation.

National implementation actions:

According to the State Anti-Corruption Programme, the measures aimed at training and specialisation of employees of public institutions combating against corruption have been continued. The training courses for the police, prosecution employees and judges in the field of fighting corruption have been arranged in the appropriate training institutions. In particular, issues of combating against corruption, implementation of anti-corruption legislation in other countries, improvement of methods and use of advanced techniques in this field have been included in the curricula of the training courses of the Ministry of Justice and the Prosecutor's Office. A number of seminars have been held especially for the employees of the Anticorruption Departments under the Prosecutor General.

5. Conduct further surveys and relevant research, based on transparent, internationally comparable methodology, to obtain more precise information about the scale of corruption in the country, and in order to ascertain the true extent to which this phenomenon affects specific institutions, such as the police, judiciary, public procurement, tax and custom services, education, health system, etc.

National implementation actions:

Subject to the State Anticorruption Programme, State Commission have issued decisions, as it was mentioned above, on the arrangement of comprehensive sociological and other analytical researches with the participation of civil organizations in order to secure conducting of surveys on the scale of corruption. Evaluation of the real scale of corruption impact on particular organizations will be performed according to the incoming information.

6. Conduct awareness raising campaigns and organize training for the relevant public associations, state officials and the private sector about the sources and the impact of corruption, about the tools to fight against and prevent corruption, and on the rights of citizens in their interaction with public institutions.

National implementation actions:

A number of comprehensive measures have been taken to emphasize particular attention paid to the dissemination of information and raising of awareness among civil organizations, public servicemen and private sector in respect of goals and essence of state programme and wide spreading of information about the taken measures. Virtually all major ministries and institutions have set up their web-sites, where, among others, they have included legislation and normative provisions, electronic complaints submission forms. In particular web-site of the Commission (www.commission-anticorruption.gov.az or www.antikorrupsiya.gov.az) contains (also in English) domestic and international legislation in the field of combating corruption, reports of the Commission, as well as Working Groups of the Commission, and other valuable information. The citizens may lodge their complaints and information about corruption cases by means of this site. It is notable that the Commission has already reviewed a number of such complaints and directed them to the appropriate institutions for considering and taking of appropriate measures, also to the Anti-corruption Department under the Prosecutor General for considering the issue of institution of criminal prosecution. Commission and the Department have held a number of seminars and conferences, in conjunction with the international and non-governmental organizations, in the capital and big regional centres. Not only the local public servicemen, but also NGO representatives participate in these events. *Complement of Normative Documents* have been published and widely disseminated. The topic of fighting against corruption has been included in the curricula of the Academy of Public Administration, as well as, training centres of the Ministry of Justice, General Prosecutor's Office and other organizations. With a view to suppress the violation of human rights and corruption instances at local level, the General Prosecutor's Office of the Republic of Azerbaijan has set up its hotline. This channel of information has been set up to receive information from private persons,

representatives of communities, media and NGO with a view to ensure the expediency of taking measures restoring the violated rights, as well as, suppressing violations and corruption. Hotlines have also been set up in the Ministry of Internal Affairs and Notary Service of the Ministry of Justice. Apart from the regular statements of the Anticorruption Commission and Anticorruption Department in the printed media, representatives of these institutions appear on television and radio in order to inform the public about instruments to prevent and suppress instances of corruption and the rights of citizens in their relations with public institutions. The basic line of the of the *Prosecutorial Week on TV* in August 2005 was explanation to citizens of the mechanism of recovering of violated rights, also as a result of commission of corruption offences.

7. Ratify the UN Convention against Corruption.

National implementation actions:

Parliament of the Republic of Azerbaijan has ratified UN Convention against Corruption on the 30th September 2005.

II) LEGISLATION AND CRIMINALISATION OF CORRUPTION

8. Speed up the adoption and implementation of the draft legislation which should harmonize the criminal legislation in the area of corruption with the relevant international standards (such as the United Nation's Convention on Corruption, the Council of Europe's Criminal Law Convention on Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions).

National implementation actions:

With the participation of the international experts, also experts of the Council of Europe, a number of bills introducing amendments to the effective legislation and bills introducing new provisions have been elaborated. These bills are on various stages of legislative process.

9. Amend the incriminations of corruption offences to meet international standards. In particular ensure that undue benefits include material as well as non-material benefits, and that bribery through intermediaries is fully covered.

National implementation actions:

In the course of the formulation of the Criminal Code (Amendments) Bill of the Republic of Azerbaijan, the appropriate provisions have been included to cover non-material benefits, as well as, bribery through intermediaries.

10. Take steps to make the actual period of limitation for corruption cases longer and consider increasing the punishment for active bribery.

National implementation actions:

Criminal Code (amendments) Bill provides foresees the increase of the liability for bribery. Passing of this bill will ensure qualification of this sort of crime as a felony, hence the augmentation of the term of limitation of liability.

11. Ensure the criminalisation of bribery of foreign and international public officials, either through expanding the definition of an “official” or by introducing separate criminal offences in the Criminal Code.

National implementation actions:

Expert group on elaboration of legislation are considering effective ways of introducing criminal liability of officials of other states and international organizations, taking note of the international experience in the field of combating corruption and best practices in this field.

12. Introduce procedures and clear criteria for lifting immunities enjoyed by judges.

National implementation actions:

With a view to improve the activity of the courts, ensure selection of the deserving candidates to the judicial vacancies, conduct proper evaluation of their activity and install effective system of their disciplinary liability, raising the level of consideration of petitions of citizens, substantial reforms have been conducted in the judicial system of the country. With the participation of the experts of the Council of Europe, Courts and Judges (Amendment) Act and Judicial-Legal Council Act have been elaborated and subsequently passed. The amendments to the Courts and Judges Act have introduced precise procedures and grounds for lifting the immunities of judges (Section 101). Judges enjoy immunity according to Section 128 of the Constitution of the Republic of Azerbaijan. Nevertheless, criminal prosecution against judges shall be instituted according to the common Criminal Procedure Legislation of the Republic of Azerbaijan. It is the Judicial-Legal Council that passes decision on lifting the immunity of a judge on the basis of petition of the Prosecutor General. Shall the Judicial-Legal Council pass such a decision, the immunity of a judge will be lifted until the appropriate decision in the criminal proceedings is made. The petition of the Prosecutor General shall be considered within 24 hours if the judge has been seized committing crime and within 10 days in other cases.

13. Amend the legislation on confiscation of proceeds from crime to comply with international standards (such as the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime). Introduce a proposal to amend the Criminal Code ensuring that the ‘confiscation of proceeds’ measure applies mandatory to all corruption and corruption-related offences. Ensure that confiscation regime allows for confiscation of proceeds of corruption, or property the value of which corresponds to that of such proceeds or monetary sanctions of comparable effect. Review the provisional measures to make the procedure for identification and seizure of proceeds from corruption in the criminal investigation and prosecution phases efficient and operational.

National implementation actions:

According to the State Anti-Corruption Programme, the draft legislation on the improvement of such measures as arrest and confiscation has been elaborated with a view to improve legislation in this field. This bill will harmonize the effective legislation with the international standards in this field.

14. Recognising that the responsibility of legal persons for corruption offences is an international standard included in all international legal instruments on corruption Azerbaijan should, with the assistance of organisations that have experience in implementing the concept of liability of legal persons (such as the OECD and the Council of Europe), consider how to introduce into its legal system efficient and effective liability of legal persons for corruption.

National implementation actions:

The legislation of the Republic of Azerbaijan envisages civil and administrative responsibility of legal persons. Moreover, item 1.3 of the State Program for Fighting Corruption envisages a number of measures for introducing other forms of responsibility of legal persons in accordance with international standards in this sphere.

15. Recognising that a strong nexus can exist between organised crime and corruption, with the possible assistance of organisations that have experience in fighting against these forms of criminal activity, study the interrelations between the two.

National implementation actions:

Anticorruption Department under the Prosecutor General pursues active role in the comprehensive and thorough detection and investigation of corruption offences, whereby the elements of nexus between organised crime and corruption are revealed. With a view to apply the best foreign practices of combating corruption and organized crime, the measures are taken to establish close ties with the appropriate international organizations and foreign law enforcement agencies. Thus, subject to the agreement, the Head of the Analytical-Information Division of the Anticorruption Department visited the Lithuanian Department of Special Investigations. Azerbaijani side intends to extend such kind of cooperation, also with the law enforcements agencies of other countries.

III) TRANSPARENCY OF CIVIL SERVICE AND FINANCIAL CONTROL ISSUES

16. Strengthen recruitment and promotion process to the civil service by enhancing the significance of objectively verifiable and merit-related criteria and limiting to the extent possible opportunities for discretionary decisions.

National implementation actions:

In order to secure further improvement in the activity of public institutions, the Anticorruption Commission instructed, by the decision of the 2nd May 2005, all public institutions to arrange recruitment on a competitive basis according to transparent procedures, in line with the State Programme and according to the public service-related legislation, and inform the Commission about the taken measures. According to this decision, all public institutions shall apply the principle of rotation of its employees in all areas, especially in areas where the employees deal with the citizens. Commission has also instructed the Cabinet of Ministers to work out model Charter for the Central Executive Bodies in order to draw precise line between the authorities of central and local authorities. For the first time, the competitive recruitment, according to the transparent procedures and with the participation of the civil organizations and international observers, has been conducted in Azerbaijan at the selection of judges in 2000. During the update period, the Prosecutor's Office has conducted its third competitive recruitment, while the Ministry of Foreign Affairs and Ministry of Taxes their first.

17. Screen the system for the control of assets of public officials to detect any possible loopholes and develop proposals to eliminate such loopholes. Consider increasing responsibility (not just disciplinary) for public officials for failure to comply with requirement to declare income, assets and liabilities. Consider disclosing publicly the declarations of certain groups of public officials.

National implementation actions:

Rules of Submitting Financial Information by Public Officials were enacted by the Act of the 24th June 2005. The Rules delineate the scope of officials to submit the appropriate information, the bodies to receive declarations, as well as, the dates and terms of submitting information. Violation of these rules will be a ground for criminal, administrative and disciplinary liability. In addition, violation of the rules of submitting the financial information shall invoke disciplinary liability of judges, subject to Section 111-1 of the Courts and Judges Act 2004.

18. Adopt a uniformed Code of Ethic / Code of Conduct for Public Officials modeled on international standards (e.g. such as Council of Europe Model Code of Conduct for Public Officials) as well as specific codes of conduct for professions particularly exposed to corruption, such as police officers, prosecutors, tax officials, lawyers, accountants, etc. In addition, prepare, and widely disseminate, comprehensive and practical guidelines for public officials on corruption, conflict of interests, ethical standards, sanctions and reporting of corruption.

National implementation actions:

As it was mentioned in the previous report, Public Officials Ethic Code is being prepared for enactment. Since then, the draft Code has been reviewed in the Working Group under the Anticorruption Commission by the experts board, also including international experts, who provided their proposals and remarks. At the present stage, the draft Code has passed two hearings in the Parliament. In its decision of the 2nd May 2005, the Commission has requested the Parliament to accelerate consideration of this Bill. Apart from the Service in the Prosecutor's Office Act 2001 and by-laws *On service in the Customs Bodies* and *On Service in the Tax Bodies*, codes of ethics has been elaborate for customs, tax and border guards service according to Section 2.10 of the State Anticorruption Programme. Commission has instructed the Academy of Public Administration to include the topics of code of ethics for public officials into the curriculum, as of study years 2005-2006, and to draw a special plan of raising the awareness of the students in the field of combating corruption, with subsequent informing the Commission about the measures taken. Commission has also instructed the Ministry of Education to arrange the appropriate courses at schools and specialised educational institutions with a view to raise the awareness of the public in the area of combating corruption. Ministry of Internal affairs, Prosecutor's Office and other law enforcement agencies inform the public about the instances of detecting of corruption offences, also by means of TV and radio statements and electronic media (www.din.gov.az, www.genprosecutor.gov.az).

19. Set up a state authority body to supervise the implementation of laws and regulations in the civil service and, particularly, control the observance of conflict of interest regulations. Where needed, introduce legally binding regulations to directly address conflicts of interest in the civil service.

National implementation actions:

In order to implement the State Programme measures in the field of activity of public institutions, as well as to accelerate reforms in public service, the President decreed on the 19th January 2005 to establish the Commission on Public Service under the President of the state. Structure and personnel scheme of the Commission were approved by the Decree of the President of the 15th September 2005. This body is to become one of the basic institutions responsible for the implementation of the State Programme in terms of the public service. According to Section 2.19 of the State Anticorruption Programme on the development of proposals to improve legislation aimed at elimination of conflict of interests in the public service, Prevention of Conflict of Interests Bill has been developed. In the meantime, the Bill is

reviewed by the members of the Working Group of the Anticorruption Commission under the Public Service Administration Council.

20. Adopt measures for the protection of employees in state institutions against disciplinary action and harassment when they report suspicious practices within the institutions to law enforcement authorities or prosecutors, and launch an internal campaign to raise awareness of those measures among civil servants. Adopt regulations on the protection of “whistleblowers”.

National implementation actions:

Mechanisms of protection of this category of persons are foreseen by the public service-related bills submitted to the Parliament. The effective legislation, i.e. Victims, Witnesses and other Actors of the Criminal Process Protection Act 1999 and the appropriate provisions of the Criminal Procedure Code of the Republic of Azerbaijan, provide the responsibility of the law enforcement bodies to undertake measures aimed at protection of the interests of criminal process actors.

21. Enact and implement clear rules on disclosure (making information accessible) and transparency of public expenditure. Consider possibilities to increase transparency in public procurement and with regard to credit agreements with international financial institutions.

National implementation actions:

According to the provisions of the State Anticorruption Programme on the improvement of legislation on financial control and activity of the Public Procurement Agency, Budget System (Amendment and Alteration) Act has been passed and the system of monitoring of procurement by means of computer network and information data bases has been developed. Public Procurement Act 2001 contains a number of mechanisms of ensuring transparency. For example, the announcements about the open tender shall be published 30 days (20 days if the case of repeated announcement) in advance of unsealing envelopes containing tender offers. Subject to Section 25, the announcements shall be published in internationally spread media. Shall the tender be carried out in 2 stages, the announcements will be published 60 days (40 days in case of repeated announcement) in advance of unsealing envelopes containing tender offers. (for details see www.tender.gov.az).

22. Introduce legislation that fully covers the international standard as to combating money laundering, namely, as to criminalize the laundering of proceeds of all serious crimes (including corruption). Establish a financial intelligence unit.

National implementation actions:

Work on improvement of Prevention of Crime Proceeds Laundering Bill has been continued. The Bill complies with the requirements of the UN and Council of Europe, as well as recommendations of FATF. It has been placed on the site of the Commission, such as the other legislation in the field of fighting against corruption, for public discussions. Cabinet of Ministers has developed and submitted to the President the State Programme on Prevention of Crime Proceeds Laundering. Legislation package submitted to the Parliament contains provision on the criminal liability for legalization of corruption crime proceeds.

23. Encourage non-governmental participation in the solving of policy issues and continue efforts to prevent obstacles for NGO registration and activities in practice.

National implementation actions:

According to the State Programme, the Anticorruption Commission has undertaken necessary measures to involve civil organizations, including the non-governmental participation in the resolving of the crucial issues of combating corruption. Thus, the representative of the Transparency International – Azerbaijan (NGO) has been included into the Working Group on Elaboration of Legislation under the State Anti-Corruption Commission, Young Lawyers Association in conjunction with the Commission and Baku Office of the OSCE conduct regular regional conferences in the regional centres, which involve not only local public institutions, but also non-governmental organizations. Implementation of the State Anticorruption Programme has been discussed, on several occasions, with the participation of the NGOs, political parties and media at the round table arranged by the Fighting against Corruption Foundation (NGO). Anticorruption Department under the Prosecutor General looks into the petitions of citizens compiled with the aid of the Public Interest Protection and Legal Aid Centre, founded by the TI Azerbaijan with the assistance of the international organizations. With a view to further improve the process of registration of the juridical persons, Public Incorporation of the Juridical Persons and State Roll (Amendments and Alteration) Act has been passed on the 28th June 2005. Among other measures, the Act provides for reduction of the application consideration term to 5 days.

24. Revise the access to information legislation to determine more precisely procedures and mechanisms for access to information and ensure that in practice the discretion of public officials is reasonably limited.

National implementation actions:

Parliament has adopted the Information Obtaining Act on the 30th September 2005. The text of the Act has been developed with the assistance of the international experts and contains the principles of the freedom of information and precise mechanisms of their realization.

SUMMARY OF DISCUSSION

The meeting recognised that progress has been made by Azerbaijan on a number of recommendations, especially under pillar 1 related to the Anti-Corruption Programme and Anti-Corruption Department.

During the discussion, the Azeri delegation has noted difficulties encountered in the process of selecting and hiring staff for the new Anti-Corruption Department. All new staff hired by the office of the Prosecutor General have passed tests in order to receive the jobs. New employees – some 40 persons during this year – are young professionals. However, it appears difficult to identify and attract staff with high ethical standards and professional skills, especially when the overall situation in the country and traditions accept bribery as a common practice. Low level of payment to public official and law-enforcement agents presents another problem in proper staffing. The meeting invited Azerbaijan to provide further information about the mandate, composition and the staffing of the Department.

To support the development of the Department, and to ensure proper training and specialisation, Lithuanian experts were invited to share their experiences in the framework of a seminar organised by the OSCE.

In line with the recommendation 6, web site and hot line for public complaints was opened at the Department. Hot line has also been opened in the Prosecutor's office. In total 687 complaints were received, involving various violations and crimes, including those related to corruption. Currently, information received in those complaints is examined and summarised. Azerbaijan was invited to provide further information about the effectiveness of such hot lines,

including the number of corruption-related cases which were opened based on such complaints. It was further noticed by the ABA CEELI, that reports from the legal advocacy centres for citizens reflect good responses from the prosecution office, but less positive reactions were noted in relation to the Ministries of Health and Education.

In order to clarify steps taken to implement recommendation 5 on surveys on corruption, the Azeri delegation informed the meeting that a working group was established to study this issue and to propose implementation actions. However at this stage no actions have been made.

During the 5 months since the Anti-Corruption Department became operational, it has investigated 20 cases related to corruption; several sentencing has been made. It was further clarified that the recent arrests of high level officials charged with corruption were not identified or investigated by the Anti-Corruption Department, and probably were based on 'operative' information of the Ministry of Interior or State Security Service.

Under pillar 2 of the recommendations concerning anti-corruption legislation, progress in implementing the recommendations was less impressive. A number of legal amendments and bills were prepared, but their passing by the Parliament is slow. This is largely due to the forthcoming elections to the Parliament, which diverted the attention away from the anti-corruption issues. Besides, all the bills were posted on the web site of the Anti-Corruption Commission for discussion. While such discussions are helpful, and useful changes are suggested (e.g. by ABA CEELI), the participatory process slows down the approval process as well. The Azeri delegation has expressed hopes that the above acts will be adopted by the Parliament before the end of this year.

The meeting also invited the Azeri delegation to provide more information about the prepared bills. For instance, it would be useful to learn more detail about the provisions of the bill on whistle blowers protection.

Recommendation 15 calls on Azerbaijan to study the links between anti-corruption and organised crime in order to ensure effective counter measures. During the discussion it appeared that more elaboration on the substance of this recommendation may be needed to help the countries in its implementation.

Under pillar 3 of the recommendations about the transparency of civil service and financial control issues, certain progress has been noted. In particular, in relation to the recommendation 16 the competitive recruitment procedures are being introduced. All civil servants are now required to pass tests during the hiring process; the office of the Prosecutor General and the Ministry of Foreign Affairs were the first agencies who have implemented this requirement; tax and customs services have also started the testing procedure. Rules for submitting of information by public officials on their assets have been introduced. Continued efforts are necessary in these fields.

Less progress has been registered in elaborating of code of ethics for public officials and of the rules for managing of conflict of interest. It was noted that the adoption of the bill on prevention of money laundering should be among the immediate priorities for future actions.

More information was required on several new legal acts and bills. In particular, the newly adopted action of obtaining of information was examined by the Council of Europe and the OSCE, and apparently is in compliance with relative international standards. However, it would be useful to provide more detailed information on the provisions of this act. More information is also needed about the amendments introduced to the budget system (recommendation 21).

It appears that the new Anti-Corruption Division has a duty to develop suggestions in the field of preventive measures. The delegation has clarified that such suggestions will be included in the activity reports of the Division, which are produced twice a year. Besides, a written report about progress in implementing the Anti-Corruption Programme was published.

The Istanbul Action Plan called on Azerbaijan to strengthen its efforts towards the implementation of the recommendations. The on-site mission to Baku will be organised in spring 2006 in order to examine the progress in greater detail.