



**Anti-Corruption Network
for Eastern Europe and Central Asia**

Anti-Corruption Division
Directorate for Financial and Enterprise Affairs
Organisation for Economic Co-operation and Development (OECD)
2, rue André-Pascal, 75775 Paris Cedex 16, France
Phone: +33(0)1 45249106, Fax: +33(0)1 44306307,
E-mail: Anti-Corruption.Network@oecd.org,
Website: www.anticorruptionnet.org

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

**Monitoring of National Actions to Implement Recommendations Endorsed During the Reviews
of Legal and Institutional Frameworks for the Fight against Corruption**

AZERBAIJAN

MONITORING REPORT

Adopted at the 5th Monitoring Meeting of the Istanbul Anti-Corruption Action Plan on 13 June
2006 at the OECD Headquarters in Paris

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GLOSSARY

ACN	-	Anti-Corruption Network for Eastern Europe and Central Asia (also known as Anti-Corruption Network for Transition Economies)
CPI	-	Corruption Perception Index (by Transparency International)
FIU	-	Financial Intelligence Unit
GDP	-	Gross Domestic Product
NGO	-	Non Governmental Organisation
OECD	-	Organisation for Economic Co-operation and Development
PSC	-	Public Service Council
UNCAC	-	United Nations Convention against Corruption

BACKGROUND

This **report** provides information about measures taken by Azerbaijan to implement the recommendations received in June 2004 under the Istanbul Anti-Corruption Action Plan. The report was prepared on the basis of the answers to the Questionnaire provided by Azerbaijan on 27 March 2006 and the information gathered during the on-site visit in April 2006 and immediately after. The report is structured along the June 2004 recommendations. For each recommendation, summary of measures, analysis and rating of compliance is given in order to reflect the progress achieved by Azerbaijan. The report is structured in three parts:

- National Anti-Corruption Policy, Institutions and Enforcement,
- Legislation and criminalisation of corruption and the related money-laundering offence,
- Transparency of the Civil Service.

The report was prepared by the team of examiners and edited by the OECD Secretariat.

The **review of Azerbaijan** took place at the 2nd Istanbul Action Plan Review meeting on 16-18 June 2004 in Paris, at the OECD headquarters. The review was based on the self-assessment report presented by Azerbaijan. An expert team prepared an assessment and recommendations. Recommendations were discussed and endorsed by the meeting.

The **on-site visit** to Azerbaijan was organised on 9-13 April 2006. Its goal was to assess the actions taken to implement the recommendations endorsed in June 2004. Azerbaijan filed out a preparatory questionnaire in March 2006 and provided some the requested information; after the mission Azerbaijan provided additional information.

The **team of examiners** was led by Daniel Thelesklaf (Switzerland), Financial Integrity Network, and comprised Constantine Palicarsky, former Secretary of the Commission for Coordination of the Activities for Combating Corruption (Bulgaria), Bostjan Penko, Senior Prosecutor, Supreme Prosecutor's Office (Slovenia) and Rouslan Ryaboshapka, Director, Department of legislation for justice, law-enforcement and fight against crime, Ministry of Justice (Ukraine). The OECD Secretariat was represented by Olga Savran, ACN manager, Anti-Corruption Division.

The team of examiners had **meetings** with several government and public institutions involved in the fight against corruption; these meetings were organised in co-operation with the General Prosecutor's Office. Examiners also met with non-governmental organisations and business representatives with assistance of the Transparency International Azerbaijan. Finally, examiners participated to a panel with foreign missions and representatives of international organisations and international financial institutions, which was hosted by USAID (a list of meetings is set out in Annex I).

Box 1: The Istanbul Anti-Corruption Action Plan

The Anti-Corruption Action Plan for Armenia, Azerbaijan, Georgia, Kazakhstan, the Kyrgyz Republic, the Russian Federation, Tajikistan and Ukraine was endorsed in the framework of the Anti-Corruption Network (ACN) in September 2003, in Istanbul. The ACN Secretariat, based at the OECD Anti-Corruption Division, provides support for the implementation of the Action Plan. An Advisory Group provides guidance on the implementation of the Action Plan.

The implementation of the Istanbul Action Plan includes several phases: review of legal and institutional framework for fighting corruption; implementation of the recommendations endorsed during the reviews; and monitoring progress in implementing the recommendations.

In September 2003 the Advisory Group endorsed the Terms of Reference for the reviews of legal and institutional frameworks for fighting corruption in the Action Plan countries based on self-assessments reports prepared by their governments. The reviews of Armenia, Azerbaijan, Georgia, Kazakhstan, the Kyrgyz Republic, Tajikistan and Ukraine have been completed in 2004-2005. The review of the Russian Federation has not been completed yet. The recommendations are made public.

In May 2005 the Advisory Group endorsed the Terms of Reference for the monitoring of implementation of recommendations. The objective of the monitoring is to assess progress achieved by each country in implementing its recommendations. It does not aim to amend endorsed recommendations or to formulate additional ones, but to assess how the measures taken by the country comply with the recommendations. The monitoring consists of: (i) regular *progress updates* by countries; and (ii) *country examinations* by peers. In the framework of *progress updates*, countries are invited to submit their written updates about the national actions to implement the recommendations, which were taken since the previous meeting of the Istanbul Action Plan, approximately twice a year.

In the framework of *country examinations*, which are organised at least once for each country, the governments are invited to provide answers to a detailed questionnaire. A team of monitoring experts from other ACN countries visits the examined country and holds meetings with the public authorities involved in the fight against corruption, civil society and business representatives, foreign and international missions based in the countries, in order to form an objective opinion about progress made. The team of experts prepares its draft monitoring report, including ratings for each recommendation. The draft report is provided to the monitored country for comments. Next draft, which takes account of these comments, is presented to the meeting of the Istanbul Action Plan for discussion and adoption. Upon the adoptions monitoring reports are made public.

First round of *country examinations* is under way. It will examine Tajikistan, Georgia and Azerbaijan with the aim to adopt monitoring reports at the meeting of the Istanbul Action Plan in June 2006. The second round will examine Ukraine and Armenia, aiming to adopt monitoring reports for these countries in December 2006.

For more information, please consult the following websites: www.anticorruptionnet.org and www.oecd.org/daf/nocorruption.

MAIN FINDINGS

National Anti-Corruption Policy, Institutions and Enforcement

In the recent years the Government of Azerbaijan has started to implement some of the measures, recommended to reduce corruption in the country. The State Programme for Fighting Corruption was adopted in 2004. The Commission for the Fight against Corruption has been established as an inter-agency coordination body responsible for the monitoring of the implementation of the State Programme through inviting various ministries to report and recommending further measures to be implemented by them. The Commission is also responsible for the promotion of the civil society participation and awareness raising measures. In particular it coordinated NGOs' involvement in the development of the State Programme, and their participation in working groups established for drafting of various anti-corruption bills.

Based on the State Programme against Corruption, the line ministries developed their own action plans. At the same time, while many line ministries acknowledged that corruption existed and presented a serious risk, they could not clearly identify specific risk areas in their respective institutions or describe targeted practical measures which were implemented to address these risks. In order to identify such risk, the Government has to conduct surveys and research, based on transparent and internationally comparable methodology. So far the Government did not conduct or commission such research itself, but referred to the NGO studies. However, the Government did not formally associate itself with the NGO findings, and did not use them as the grounds for launching targeted anti-corruption measures in the ministries where the risk of corruption was identified as high.

The Special Anti-Corruption Department in the Office of the Prosecutor General was significantly strengthened over the recent years. The Department now has 60 staff members, including 40 prosecutors and investigators. The main task of the Department is to investigate and prosecute high-level corruption cases. The team work approach for the investigation of complex cases was introduced; however no harmonized methodology or guidelines were developed to promote inter-agency cooperation, exchange of information and reporting. The number of cases in the Division is growing; meanwhile, little is known about the overall situation due to the lack of comprehensive and informative statistics on enforcement of anti-corruption legislation.

Training centres of the Ministry of Justice and the Office of the Prosecutor General included anti-corruption courses in their curricular. Awareness raising campaigns were carried out, mainly by NGOs. State officials addressed anti-corruption issues in their television and radio interviews and newspaper articles. However, changing deeply rooted traditions where offering a bribe is referred to as 'paying respect' is an immense challenge, and requires re-enforced and continued efforts on the part of the leadership.

Overall, the measures, taken by the Government, resulted in little specific anticorruption activities; the high-level political corruption is perceived as widespread by the civil society, the business and the international community, and was not dealt with sufficiently. Practical measures and law-enforcement are needed to demonstrate the political will and to convince the society and international partners that the leadership has engaged seriously in the fights against corruption.

Legislation and criminalisation of corruption

Azerbaijan has recently speeded up the adoption of anti-corruption criminal legislation. Important amendments were introduced to the Criminal Code in April 2006. They bring significant improvements in criminalisation of corruption and money laundering. However, it has to be noted that these amendments do not fully meet all relevant international standards. The overall process of harmonising criminal legislation is not complete either. Finally, it is impossible to assess the effectiveness of the new legislation since it was not yet applied in practice.

More specifically, the amended provisions of active and passive bribery in public sector are now in line with the international standards. The criminal offence of trading in influence has also been introduced. The legislation covers material and non-material benefits, as well as bribery through a third person.

However, specific (separate) criminal offences of active and passive bribery in the private sector have not been introduced. Attempts to address these issues through the interpretation of the definition of an official do not appear sufficient.

The statute of limitation for corruption related offences has been increased.

Corruption offences have been defined as predicate offences for money laundering in the Criminal Code of Azerbaijan.

The definition of an official in the Criminal Code has been expanded and now covers international public officials. The bribery of foreign officials has not been sufficiently addressed and still has to be brought in compliance with international standards.

The procedures and criteria for lifting immunity of judges seem to be addressed only procedurally without defining substantive criteria. No statistics were available to analyse if existing regime prevents the law-enforcement authorities from gathering all evidence and information needed for lifting immunities.

Amendments to the criminal legislation now stipulate confiscation of proceeds of all corruption related criminal offences as mandatory and a corresponding value may be confiscated in cases where the proceeds are inalienable. However, there are no official statistical data on the number of cases where these measures have been applied, and it was not possible to review the efficiency of provisional measures for identification and seizure of proceeds from corruption in criminal investigation and prosecution.

Responsibility of legal persons for corruption related criminal offences has not been introduced in the legislation of Azerbaijan. A working group has been established to draft a bill on this issue. It was not possible yet to assess the quality of this draft, or to foresee when it can be adopted and enter into force.

Transparency of the Civil Service and Financial Control Issues

Azerbaijan has taken some measures to improve the integrity of civil service. The increase of salaries was seen as an important factor in this respect. Recently, the Civil Service Commission was established under the President. Among other duties, the Commission is responsible for developing rules for recruitment of civil service and for controlling the recruitment competitions. Recruitment of civil servants is centralized and based on anonymous examinations, but this procedure concerns only the appointment of low-ranking officials. The system of evaluating and promoting of civil servants is based on attestation, but does not provide for clear criteria. Therefore promotion of civil servants depends on the discretionary decision to the head of state body.

The Law on Combating Corruption and the Law on Submission of Financial Information by Public Officials oblige public officials to submit their asset declarations. However, to date the form for the declarations has not been developed, and therefore no declarations of high-level officials were submitted. No explication was given why the establishment of the form has been delayed. Besides, these declarations should be submitted to the Commission for the Fight against Corruption; the Commission will have the right to inform the competent authorities about any suspicion of corruption. It is doubtful if the Secretariat of the Commission, which consists of 5 staff, has sufficient capacity for systematic screening of these declarations. Finally, the information provided in the declarations is considered as a private secret, which significantly limits the possibility of civil society control.

Codes of ethics exist in several institutions, including the Ministry of Tax, the Ministry of Internal Affairs and the State Customs Commission. The Code of Honour of Judges has been approved in 2002 and is currently under review. However, it is not known if the implementation of these codes is subject to any controls, and if their application is effective, since no corruption cases have been detected by these institutions.

It is foreseen that the Law on Prevention of Conflict of Interest, which is currently being developed, will provide for the clear definition of the conflict of interest and for the relevant regulations. It is not clear at this stage which institutions will be assigned with the task of controlling of conflict of interest provisions.

There is no information about any measures taken by the Azerbaijan authorities to establish whistleblower protection regime.

It appears that access to information on income and expenditures from the consolidated state budget is properly regulated by the Law on State Budget. The State Oil Fund was often referred to as a good example of transparency of information on expenditures. Nothing is known about transparency of other public expenditure, for instance at the local level.

Certain measures are introduced to improve the operations of the public procurement system. At the same time, there is a strong belief that the process lacks transparency, especially with regard to breaching the rule of obligatory publishing of tender proposals. Controls over the procurement systems were not sufficiently clear. No corruption cases were investigated among the civil servants involved in public procurement.

Azerbaijan has made some important steps forward on the way of ensuring the right to access to information. The new Law on Right to Obtain Information is in force since December 2005. It is too early to assess the effectiveness of this law; its application needs to be monitored.

INTRODUCTION



Economic and social situation¹

Azerbaijan covers an area of 86600 square kilometres; 20% of its territory is not under government control. The population is 8 million. The GDP is 8.6 billion USD in 2004 (USD 4,185 per capita). Economic growth is boosted by high oil prices and reaches over 25% in the last 12 months.

Political structure

Although the Government of Azerbaijan consists of three branches, Azerbaijan has a strong presidential system. The executive branch is made up of a president, his office, a prime minister, and the cabinet of ministers. According to the constitution, the prime minister stands next in line to the president. The legislative branch is represented by the parliament (Milli Majlis). The judicial branch is headed by a Supreme Court.

Azerbaijan declared its independence from the former Soviet Union in 1991. Azerbaijan's first parliament was elected in 1995. The Parliament consists of one chamber of 125, who are elected for the period of 5 years. A majority of parliamentarians are from the ruling “New Azerbaijan Party”, although the 2005 elections brought in a more diverse parliament, with up to 10 opposition members and a sizeable number of independents.

Azerbaijan is a member of the United Nations, the Organization for Security and Cooperation in Europe (OSCE), NATO's Partnership for Peace, the Euro-Atlantic Partnership, the World Health Organization, CFE Treaty member state, the European Bank for Reconstruction and Development, the

¹ Sources: EBRD Transition Report 2005 and US Department of State Background Notes 09/2005

Council of Europe, the Community of Democracies, the International Monetary Fund, and the World Bank.

Trends in corruption

Corruption in Azerbaijan has been a significant obstacle to doing business since the country gained independence. According to the BEEPS 2005 index, 50% of the businesses see corruption as a major problem. This rate has increased substantially since 2002. The main areas where corruption is noted as frequent are: business licences; tax collection; and customs. In these areas, the percentage of firms saying that bribery is frequent, has increased in the last 3 years. Azerbaijan's Transparency International CPI score increased only gradually from 1.8 in 2003, to 1.9 in 2004, and to 2.2 in 2005. Azerbaijan is on 137th rank of 159 countries. An anti-corruption law and strategy have been in effect since 2004, but implementation remains a challenge.

IMPLEMENTATION OF RECOMMENDATIONS

I) National Anti-Corruption Policy, Institutions and Enforcement

Recommendation 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.

The State Program for Fighting Corruption that could be regarded as a comprehensive anti-corruption program was adopted by Azerbaijan on September 3rd, 2004. The program provides for a broad spectrum of measures to curb corruption in the country. Separate Action Plans were developed for the implementation of the Program in the line ministries. The reporting and monitoring mechanism envisaged in the program is based on the newly created inter-agency coordination body, the Commission for Fight against Corruption. CFC is composed of 15 members – 5 from the Executive and Legislative and 5 from the Judiciary. The Commission and the Civil Service Executive Board monitor the implementation of the program; they report to the President of Azerbaijan on the implementation status.

The program was developed in cooperation with some civil society organizations. In April and August 2004 two public hearings took place to discuss the draft of the State program with participation of NGOs, business associations, lawyers, international organizations. Some of the recommendations of the NGOs made their way to the final text of the Program. The program was published in the media and was made available at the Commission web-site. Familiarization with the program is an obligatory element of the public servants' training programs. No data suggest though that the draft of the State Program is based on sound analyses of the patterns of corruption in the country.

The Council of Ministers reports on the implementation of the Program are published in the media and are available on the Internet.

Currently the Commission for Fight against Corruption is supported by a secretariat of 5 staff members – civil servants. The Commission has a range of instruments to monitor the implementation of the State Program, such as holding hearings of all operators of the program, revealing the problem areas and issuing decisions putting tasks and suggesting the ways to resolve the outstanding problems.

Azerbaijan is largely compliant with this recommendation.

Recommendation 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.

The Commission for Fight against Corruption is a main organizer of and a participant in the Information and Cooperation NGO Network, comprised of 14 NGOs, including the National chapter of Transparency International. The mission of the Network is to stimulate the anti-corruption activities of the civic organizations in Azerbaijan.

Non-governmental and international organizations were invited also to participate as members in the Working group on legislation drafting with the Commission. Among these NGOs are TI Azerbaijan, ABA/CEELI, Constitutional Research Fund (chair of Anticorruption Network), Entrepreneurship and Market Economy Development Assistance Foundation and the OSCE Office in Baku. The tasks of the Commission include proposals for improvements of legislation, participation in the formation of the state policy on corruption; analysis of the state and efficiency of the fight against corruption; public awareness programs etc.

The legislation in preparation by the group is not adopted yet and the input of the NGOs is difficult to assess. The criteria for inclusion of NGOs in the Working group do not seem to be formalized.

The wording of the recommendation requires representatives of the civil society to be included in the work of the Commission; and legislation drafting is only one of the aspects of the Commission work.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The Special Anti-corruption Department with the Prosecution Service was substantially strengthened. The idea behind its creation is that it is going to deal with the high-level corruption. It consists of three divisions, one of them is charged with analytical functions. The total number of staff of the Department is

60 people, including 40 prosecutors and investigators. Some of them have experience with tax frauds, corruption and evasion. The department is directly subordinate to the Prosecutor General. It has broad competence to co-ordinate task forces; to investigate and prosecute corruption; and reportedly to also detect corruption.

The Department staff receive higher remuneration compared to the “regular” prosecutors. Since its establishment it investigated 20 cases and indicted 47 persons. There were twelve convictions. At least to the extent of its own operations the Department maintains regular and up-to-date statistics on the cases it works on.

The analytical division of the Department is responsible for gathering, analysing and summarising data on corrupt offences and developing proposals on improving the anti-corruption activities.

No clear guidelines for reporting and exchange of information were adopted. The team-work approach in the complex investigations is effectively introduced; however the mode of cooperation is based rather on established practice and not on clearly documented procedures. No harmonized methodology was developed to allow for comparisons among institutions.

The Anticorruption Department may consider to facilitate and speed up the process of drafting and adoption of such guidelines and of the methodology by initiating a consultation process with the relevant government bodies that may result in a joint document (Memorandum of Understanding, Instruction etc) to be signed that may contain the guidelines for reporting and exchange of information.

Azerbaijan is largely compliant with this recommendation

Recommendation 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.

Azerbaijan continued to provide some anti-corruption training, including joint trainings for prosecutors, police and judges; 2 seminars for total of approximately 60 participants were held in 2005. Several seminars and study tours were organized for the staff members of the anti-corruption department. The training centres at the Justice Ministry and the Prosecutor General's Office included in their curricula specialised courses on corruption.

The goal of this recommendation is to ensure that there is common understanding among the law-enforcement officials, the prosecution and the judiciary on the dangers of corruption; the ways to detect it; and the prosecution and investigation techniques to be employed in counteracting corruption – in order to build a critical mass of civil servants that share similar goals and vision and are equipped with compatible tools. This goal is still to be achieved; and though the initial efforts of Azerbaijan are to be commended, the number of trainings and, respectively, trained officials ought to be substantially higher in order for this goal to be met.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The analytical division of the Anti-corruption Department does receive and analyze some information from (mainly) Government bodies on the spread of corruption in the country. Attention was paid to the areas of education and health care; and vulnerabilities are detected in these spheres. A similar department in the Ministry of Interior was established to analyze certain aspects of the corruption in the economy of the country, mainly the private-to-private corruption.

However, no surveys were carried out by the Government to establish the degree of the spread of corruption; and to the extent there is research on the topic it does not meet the standard of being based on transparent, internationally comparable methodology.

A number of surveys were carried out by NGOs and international organizations. The Commission has supported and helped some of these surveys and has taken into consideration the results in its daily work. The Commission has also conducted such a survey through its website.

Examples of these surveys include:

- “Transparency Azerbaijan”: Country Corruption Assessment, 2004; Public Opinion Survey in Azerbaijan “The Impact of Corruption on Business. Survey of South Caucasus Countries”
- “Fund of Struggle against Corruption”: Social research project, 2005; “Problem of corruption in small and medium businesses and the ways of eliminating it”
- The citizens’ Labor Rights Protection League: Monitoring project 2006 “Access to Information in the Republic of Azerbaijan – Legislation and Practice”;
- National Confederation of Entrepreneurs (Employers’) Organizations of Azerbaijan Republic; "Strengthening of the Role of Entrepreneurs - Employers and their social unions in combating corruption" Conducted social survey 2006 “Impact of the corruption to development of entrepreneurship”.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The public campaigns in Azerbaijan were aimed primarily at informing the public of the existence of “hotlines” to report corruption to certain administrative bodies. It seems that the goal of this information campaign was to a certain degree achieved, because the hotlines are operative and corruption complaints are regularly received. The line Ministries and the Government agencies have their own web-sites that

inform the public about certain aspects of their work; they also contain the relevant legislation and instructions on how to submit a complaint.

The Commission for Fight against Corruption has, with the involvement of NGOs, compiled, printed and disseminated a codification of the Azerbaijan anti-corruption legislation. The National Audit Office has published brochures and leaflets with anti-corruption content, under the titles “Anti-corruption” and “Corruption – the social disaster”.

The Ministry of Education has developed special anti-corruption training modules to be included in the subject “Azerbaijan Constitution - Basic legal knowledge”. The Commission for Combating Corruption requested the Ministry of Education to organise special courses on anticorruption in secondary and higher education schools. The State Academy on Public Administration, Police Academy, and all the training centres of the ministries have included anticorruption programs in their academic programs. Newly appointed civil servants have obligatory induction training courses (from 1 to 3 months) at the training centres before beginning their work.

With the support and participation of the Commission different talks shows and discussions on radio and TV stations were organised. In its decision of December 2005 the Commission asked all the state bodies to organise special seminars for the civil servant on the newly adopted Law on Freedom of information.

These important efforts however could not be regarded as a comprehensive awareness raising campaign. They lack the holistic approach, the single goal and many other important aspects of the awareness raising campaigns. Their goal was to deliver some information to the citizens; and to a large extent the goal may have been achieved. However there was no sustained effort to educate the public at large of its rights and responsibilities; of the dangers of corruption; and to build practical skills among the civic and private sector to work against corruption. The visibility of the efforts listed above was not high.

Azerbaijan is partially compliant with this recommendation

Recommendation 7

<i>Ratify the UN Convention against Corruption.</i>
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Azerbaijan has signed and ratified the UN Convention against Corruption. It is important to note that the ratification of the Convention is not the end, but the beginning of the way; and that Azerbaijan may want to consider a full UNCAC compliance exercise to determine what changes in the legislation and/or the administrative practices are needed to achieve full practical compliance with the UNCAC provisions.

Azerbaijan is fully compliant with this recommendation

II) Legislation and criminalisation of corruption and the related money-laundering offence

Recommendation 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).

Azerbaijan speeded up the adoption of legislation that harmonizes its criminal legislation in the area of corruption with some but not all of the relevant international standards. With this respect the very recent changes and amendments to the Criminal Code that were adopted by the Milli Majlis (National Assembly) of the Republic of Azerbaijan in April 2006 are to be welcomed. They bring significant improvements in criminalizing corruption, introducing the offence of money laundering and streamlining the confiscation of proceeds of corruption regime. They have come into force in May 2006.

However it has to be noticed that not all changes and amendments necessary for bringing the legislation of the Republic of Azerbaijan entirely in line with relevant international standards were adopted. Recommendations 9, 11 and 14 deal with these issues.

It is not possible to address the issue of implementation before the adoption of the legislation in question. It is also obvious that the recommendation at least to a certain extent presupposed that in the moment of its assessment new legislation would already be applicable and therefore the quality of its implementation could be assessed as well. The overall process of harmonizing criminal legislation is not complete yet.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The amended provisions on the active and passive bribery in public sector are now in line with the relevant international standards. The criminal offence of trading in influence was also introduced in the criminal legislation of Azerbaijan. The legislation covers both the material and non-material benefits; as well as the act of bribery through the third person.

However, Azerbaijan has not introduced the specific (separate) criminal offences of active and passive bribery in the private sector - a requirement of the UN Convention against Corruption as well as CE Criminal Law Convention on Corruption. Enlarging the application scope of the relevant provisions through interpreting the definition of "official" in the Note 1 to Article 308 to persons carrying out functions of authority in private sector as well does not appear to be sufficient. Nature of corruption

offences in private sector is as a rule different from those committed in relation to performing official duties and this difference has to be recognized and find its place in specific incriminations in the Criminal Code, in line with the international documents, named above. However, the authorities are investigating cases of private corruption based on the current corruption.

Azerbaijan is largely compliant with this recommendation.

Recommendation 10

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

The amendments to the Criminal Code referred to in relation to the previous two recommendations the punishments prescribed for corruption related criminal offences have increased and as a consequence these offences are now considered serious crimes. According to Article 75 of the Criminal Code the category of serious crimes is vested with longer period of limitation (twelve years from the day of commission of a crime) than category of less serious crimes (seven years).

Azerbaijan is fully compliant with this recommendation.

Recommendation 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.

Separate criminal offences of bribery of foreign and international public officials are not introduced in the Criminal Code. The definition of an official in the Criminal Code has been expanded in a right direction and now covers representatives of international organizations as a category of international (foreign) public officials.

The authorities also made an attempt to address the bribery of foreign officials through amending the title of Chapter 33. However, this approach is not sufficient to meet the international standards, which require a full coverage of all categories of foreign public officials, through further expansion of the definition of an official to include foreign public official or establishing of a separate office of bribery of foreign public official.

Azerbaijan is partially compliant with this recommendation.

Recommendation 12

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

This recommendation aims at introducing procedures and defining criteria for lifting immunity of judges in the course of criminal proceedings. On the basis of written and oral responses from the Azerbaijan authorities and after looking into the relevant legislation (Law on Courts and Judges) it can be concluded that the recommendation fails to be entirely implemented. Namely, procedures and criteria for lifting immunity of judges have to be addressed in both ways: procedurally and substantively. The procedural aspect is adequately dealt with in Article 101 of The Law on Courts and Judges, that is addressing all relevant issues of procedural actions taken with respect to deciding on lifting immunity of judges. In order to ensure that immunity does not shield the judge from criminal prosecution for

corruption, and in the absence of substantive legal criteria for lifting immunities of judges, the issue can be addressed through a requirement to the Judicial Council to provide written grounded decisions in each case explaining why the immunity has or has not been lifted. It is important to ensure that these immunities do not prevent the law-enforcement authorities from gathering all evidence and information relevant for lifting immunities. In addition no statistics were provided from Azerbaijan concerning the number of cases when the lifting of immunity was requested, granted or refused.

Azerbaijan is largely compliant with this recommendation.

Recommendation 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.

Azerbaijan is to a large extent in line with the standards concerning confiscation of proceeds from crime. According to the Amendments to the Criminal Code, the confiscation of proceeds of corruption related criminal offences is now mandatory and according to Article 51.3 a corresponding value may be confiscated as well in cases where the proceeds are inalienable.

There are no official statistics of the number of cases where these measures have been applied and of the amount of confiscated value. Therefore, the review of the efficiency of provisional measures for identification and seizure of proceeds from corruption in the criminal investigation and prosecution phases was not possible. In its responses to the Questionnaire Azerbaijan only indicates the regulations from the Code of Criminal Procedure, dealing with this issue. There is no evidence of any substantive review of these measures in order to be able to assess how efficiently they are being implemented and applied.

Azerbaijan is largely compliant with this recommendation.

Recommendation 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.

Azerbaijan is a State Party to the relevant international instruments and therefore legally bound to introduce into its legal system the institute of responsibility of legal persons for corruption related criminal offences.

A working group was established and together with some international experts – organizations it considered the issue of introducing the institute of responsibility of legal persons for corruption related criminal offences in Azerbaijan legislation. The first obvious result of these considerations is a draft law on Amendments to the Criminal Code concerning responsibility of legal persons for criminal offences. It is not yet possible to comprehensively assess the quality of this draft and its compliance with legally binding

international standards, especially because it is not clear what is going to be the scope of criminal offences, for which responsibility of legal persons might be invoked and it therefore remains opened if this draft envisages establishing responsibility of legal persons for corruption related criminal offences as well (unfinished draft). Besides this, many important issues such as distinguishing between the terms “criminal liability” and “liability for criminal offences” or the request for establishment of responsibility of legal persons for omissions (negligent acting) of responsible bodies still have to be properly addressed.

Azerbaijan is partially compliant with this recommendation.

Recommendation 15

<p><i>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.</i></p>

The Working Group was informed from the representatives of the Ministry of Interior that they are analysing and following the possible connections and interrelations between corruption and organized crime. The Group recognized from the information obtained that there have been cases of kidnapping, extortion and drug trafficking committed by organized criminal groups. In none of these cases evidence of possible nexus between these crimes and corruption had been found.

Although some activities have been carried out concerning this recommendation more could be expected from other institutions in the area and especially from scientific institutions, such as Criminological Institutes and similar. This question needs a harmonized, balanced and multidisciplinary approach; efforts of a single institution can not give a complete picture.

Azerbaijan is largely compliant with this recommendation.

III) Transparency of the Civil Service

Recommendation 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.

Azerbaijan has taken some measures concerning the implementation of this recommendation such as increasing salaries of civil servants; introducing a centralized system of anonymous examinations (tests) in the recruitment procedure; establishing the Civil Service Commission under the President of the Republic with functions to prepare and approve competition rules for recruitment to civil service and control correct and transparent holding of such competition. There is also a system of rotation for some categories of civil servants such as tax, customs authorities, and police. The use of this mechanism in an appropriate manner could prevent the establishment of ongoing corruptive links between officials and citizens.

However, the general situation in the sphere of civil service has not been significantly changed since the review.

According to articles 28 and 29 of the Law on Civil Service, citizens shall be recruited to the sixth-ninth grades of administrative posts through a competition. Appointments to administrative positions of first-fifth grades (positions) shall be carried out on the basis of an interview and promotion.

The procedure of promotion and evaluation of professional skills of civil servant is mainly based on an attestation system. However, the frequency of the attestation procedure (once per five years) and a lack of clear criteria for evaluating professionalism of the civil servants give reason to doubt in effectiveness of this procedure. These provisions gives to the head of state body a discretionary power to recruit to high-ranking administrative positions (first to fifth grade) candidates by its own decision without competition and verifying professional skills and other merit-related criteria.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The Law on Combating Corruption and Law on Submission of Financial Information by Public Officials obliges public officials to submit an asset declaration. Article 3 of the Law on Submission of Financial Information by Public Officials defines the following authorities to collect asset declarations:

- The Commission on Combating Corruption under the State Council on Management of the Civil Service for high-level officials;
- The authority identified by the Milli Mejlis (Parliament) of the Azerbaijan Republic, Supreme Mejlis of Nakhichevan Autonomous Republic for relevant members of mentioned Mejlisses; relevant local authorities for relevant servants of local governments;
- The relevant financial (accounting) authority determined of the head of their respective state body.

The Cabinet of Ministers was assigned by Decree of President of Azerbaijan Republic of 09.08.2005 to prepare rules for the submission of information of financial character by the officials and the form of the declaration of assets considered in the Law on Combating Corruption. However, to date, such rules and declaration forms were not adopted and no declarations of high-level officials are being made. In addition, there is no requirement for declaring officials expenditures.

The system of declaring of assets is ineffective also due to the lack of mechanism of control under the incomes and expenditures of civil servants. According to the Law on Combating Corruption, the asset declarations shall not be submitted to the tax authorities. One of the main objectives of the Commission on Combating Corruption under the State Council on Management of the Civil Service is to collect financial declarations envisaged in the Law on Combating Corruption and supervise the submission process of such financial declarations. The Commission, once it will receive the declarations, will have authority to send the materials for examination to the competent authority, shall it contain the constitutive elements of the corruption related offences. It is doubtful that the Secretariat has enough capacity to check these asset declarations systematically.

Another critical issue is the lack of transparency of the asset declaration system. According to the Law on Submission of Financial Information by Public Officials, all information mentioned in an asset declaration is considered as private secret. A dissemination of that information is restricted according to this Law. These provisions significantly decrease the effectiveness of civil society control.

Azerbaijan is partially compliant with this recommendation.

Recommendation 18

Adopt a uniformed Code of Ethic / Code of Conduct for Public Officials modelled 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.

The Ministry of Tax (for tax authority officials), the Ministry of Internal Affairs (for Police officers) and the State Customs Commission (for customs officials) have developed and published codes of conduct for some specific categories of officials. The Code of Honour of Judges of Azerbaijan has been approved in 2002. The Judicial Council is currently drafting a new code of conduct for judges.

All these Codes (except the one for the judges) provides for mandatory acquaintance of relevant officials with its content. Thus officials are obliged to know and execute rules of conduct in performance of their duties. However, there is no form practice of implementation of provisions of these Codes concerning liability for abuse, as basically no corruption cases have been investigated in these authorities.

There is little progress on the establishment of ethical standards for all categories of civil service and for some independent professions (lawyers, notaries, auditors and accountants). The Draft Code of Ethics and Conduct of Civil Servants is currently tabled in Parliament.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The Presidential Decree dated 19/01/2005 established the Civil Service Commission under the President of the Republic with status of a central executive agency responsible for the state policy in the area of civil service. The regulations on this Commission were adopted by the Decree of the President of the Republic of 3rd July 2005. Under the Regulation the main duties of the Commission are such as follows:

to take part in formation of the common state policy in civil service and other recruitment issues, implementation of this policy;

to prepare proposals In the field of forecasting of recruitment in civil service, to coordinate activity of the state authorities in the area of professional preparation, re-preparation and professional training of the civil servants, analyse state of affairs in this field and prepare proposals;

to develop centralized database on civil servants management and ensure its efficient application;

to arrange in centralized order realization of citizens' recruitment to the civil service on competitive and transparent basis according to Articles 2.3 and 28.1 of the Law of the Republic of Azerbaijan "On Civil Service".

The Commission has the functions *to arrange preparation and implementation of programs and other documentation on civil service improvement; to control enforcement of the civil service legislation in the state institutions; to prepare and approve competition rules for recruitment at civil service, and control correct and transparent holding of such competitions; to determine training demands and prepare training strategy for civil servants; to coordinate activity of the state institutions in preparation, re-preparation and professional training of the civil servants; to make proposals on cancellation of the state authorities' resolutions passed with violation of the civil service legislation.*

In order to implement its duties the Commission is authorized *to make proposals to the President of the Republic on civil service improvement; to inquiry and receive from state authorities, organizations, officials information required for fulfilling its duties and carrying out its functions; if facts of the legislation requirements violation are revealed, then to make proposals to state authorities and officials on elimination of these facts and take other measures provided by the legislation; to hold competitions for civil servants recruitment in the order provided by the legislation; to pass statutory legal acts within its powers regulating relations in civil service area.*

The Commission is empowered with some controlling functions. In the meantime the Commission does not have authority to issue enforceable decisions or to bring to responsibility in order to react on any violation of legislation. The Commission is not entitled to issue any regulations concerning conflict of interest regulations and to control execution of legislation on conflict of interests.

There is no special act that addresses the issue of conflict of interests in the civil service. The definition of such phenomena, as well as special regulations will be provided in the Draft Law on prevention of a conflict of interests, which is currently developed by the working group at the Commission

for Development of the Anticorruption Legislation. In the meantime, some issues of preventing of conflict of interests are treated in the above mentioned Codes of Conduct.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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”.

There is no information about any measures have been taken by Azerbaijan authorities to establish comprehensive regime of protection of “whistleblowers”.

Azerbaijan is non-compliant with this recommendation.

Recommendation 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.

The Law on State Budget asks for publication of the draft budget for the next year, together with relevant attachments as well as quarterly reports on its implementation. These reports include, in addition to other data, a comparative analysis of incomes and expenditures, and if there are any discrepancies between the approved and actual expenditures, relevant explanations should be attached thereto. The annual and quarterly reports published in the press also include data on incomes, expenditures, amount of public debt, credits, etc. According to this Law, control over the execution of the budget is exercised by the Finance Ministry (current supervision) and the Chamber of Audit.

Reports and statistical data on expenditures of the State Oil Fund of the Azerbaijan Republic are also available to the public. Other initiatives in Azerbaijan in the sphere of increasing transparency in public expenditures are unknown.

As regard the transparency of public procurement, an electronic system of public procurement is being developed and installed on the website of the State Agency for Public Procurement. In order to raise the qualification of specialists involved in the public procurement procedures, the Agency holds periodical training courses on public procurement issues for public and private sectors representatives. However, there is a strong believe from representatives of private businesses that the process of public procurement lacks of transparency, especially with regard to breaching the rule of obligatory publishing of tender proposals. Business representatives also believe that many tenders, mainly the ones involving large sums, are not published at all.

The State Agency for Public Procurement is authorized to monitor the legitimacy of public procurement but has power only to raise the question of abolishing results of tender (article 4 of the Law on Public Procurements). The State Treasury that executes the procurement transactions does not have the competence to check compliance with the relevant procurement legislation. There is no practice in Azerbaijan to carry out joint examinations (State Agency for Public Procurement and Treasury) in area of the public procurement.

Azerbaijan is partially compliant with this recommendation.

Recommendation 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.

The new article 193/1 of the Criminal Code covers the legalization of proceeds of crime with regard to all crimes. Bribery and other corruption related crimes are now covered by the Criminal Code. As the provision has only been introduced recently, it has not yet been tested in court.

The Financial Intelligence Unit (FIU) has not been created yet. Azerbaijan is one of the few remaining ACN countries without FIU. The draft legislation that would introduce the establishment of an FIU and a set of preventive measures to fight money laundering is still pending in Parliament. No decision has been taken where to locate the FIU. Azerbaijan falls short of the international standard on this issue.

Azerbaijan is partially compliant with this recommendation.

Recommendation 23

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

NGOs play an increasing role in Azerbaijan. Thirteen nongovernmental organisations, including Transparency Azerbaijan, are organised in the Government sponsored Net for Information and Cooperation whose task includes the invigoration of the role of NGOs in anticorruption measures. Representatives of the Net take part in some Governmental initiatives such as organizing seminars; participating in working groups for developing legislations. Representatives of Transparency International Azerbaijan and other organisations are included in the Working Group for the Development of Legislation at the Anticorruption Commission.

However, there is room to continue and improve cooperation and mutual trust between Government and the civil society, for example by:

- Involving NGOs in the processes of monitoring of implementation of legislation,
- Mandating NGOs to conduct surveys on different issues of anticorruption policy or executing mutual surveys,
- Jointly organising public awareness campaigns.

The Law “On State Registration of Legal Entities in the State Register” has been adopted on 28 June 2005. This Law envisages the shortening of the period of a registration application (which can take a long time under the current legislation) to 5 days for commercial entities. The maximum period for registration for NGOs remains 40 days as before; however in case there is no response, the registration is granted automatically. The greater success would be accurate practical implementation of this Law with respect to European practice registration of NGOs as a formal legal act, allowing them to acquire legal personality and thus become capable of possessing rights and obligations and of entering into legally binding contracts.

Azerbaijan is partially compliant with this recommendation.

Recommendation 24

<p><i>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.</i></p>

Azerbaijan has made some important steps forward on the way of ensuring the right to access information. The new Law on Right to Obtain Information, in force since December 2005, prescribes the rules and procedures for request and for information as well as the rules to execute or to refuse the requests; rights and obligations of information owners; regimes of access to information. According to this Law the position of special Ombudsman on information issues is established to ensure control over the observance of the relevant legislation. The Anti-Corruption Commission instructed executive authorities to carry out training on the implementation of the new Law.

In order to detect the whole range of possible deviations, a mechanism of monitoring of implementation of Law provisions in association with NGOs could be introduced. In doing so, the concerns expressed by surveys of the implementation of the Access to Information legislation, carried out by the NGOs, should be given full attention.

Azerbaijan is largely compliant with this recommendation.

CONCLUSIONS

Recommendation	Compliant (fulfilled)	Largely compliant (minor shortcomings, large majority fulfilled)	Partially compliant (some substantive action)	Non- compliant (major shortcomings)
National Anti-Corruption Policy, Institutions and Enforcement				
1. Anti-Corruption Programme and monitoring		+		
2. Public participation in anti-corruption policy			+	
3. Anti-corruption prosecution department		+		
4. Training for law-enforcement officials			+	
5. Surveys and research on corruption			+	
6. Awareness raising on corruption			+	
7. Ratification of the UNCAC	+			
Legislation and criminalisation of corruption and the related money-laundering offence				
8. Harmonisation of anti-corruption legislation with international standards			+	
9. Non-material benefits and bribery through intermediary		+		
10. Statute of limitation and sanctions for active bribery	+			
11. Bribery of international and foreign public officials			+	
12. Procedures and criteria for lifting immunities		+		
13. Mandatory confiscation of proceeds, and provisional measures		+		
14. Responsibility of legal persons for corruption			+	
15. Nexus between organised crime and corruption		+		
Transparency of Civil Service				
16. Merit based recruitment and promotion			+	
17. Control of assets of public officials			+	
18. Codes of Ethics			+	
19. Control of civil service and conflict of interest regulations			+	
20. Protection of whistleblowers				+
21. Rules on transparency of public expenditure			+	
22. International money laundering standards			+	
23. Obstacles for NGO registration and activities			+	
24. Access to information legislation		+		

ANNEX I: LIST OF PARTICIPANTS TO THE ON-SITE VISIT ON 10 – 13 APRIL 2006

Leader of the team of examiners:

- Daniel Thelesklaf (Switzerland)

Team of examiners:

- Constantine Palicarsky (Bulgaria)
- Bostjan Penko (Slovenia)
- Rouslan Ryaboshapka (Ukraine)

Secretariat:

- Olga Savran, OECD

Government bodies, other public bodies:

- Anti-Corruption Commission
- Economic Development Ministry
- Ministry of Finance and Chamber of Accounts
- Public Service Affairs Commission
- National Bank
- Prosecutor's Office
- Ministry of Internal Affairs
- State Customs Committee and Ministry of Taxes
- Parliament and Ministry of Justice
- Supreme Court and Judicial-Legal Council
- State Procurement Agency
- Health Ministry, Labour and Social Security Ministry, Public Foundation on Social Security
- Training Centres of General Prosecutor's Office, Ministry of Tax and Police Academy

Non-governmental organisations:

- Transparency International Azerbaijan
- Merchants and Consumers' Union
- ATLAS company
- EFFECT-B Company
- Small and Medium Sized Entrepreneurs Union
- Fund of support for Development of Entrepreneurship and market Economy
- Association of Consulting Companies
- Civil Society Programme Manager, OSI
- Constitution Research Foundation
- Association of Eurasian Lawyers
- ABA CEELI

International and foreign organisations:

- USA (USAID)
- UK
- IMF
- World Bank
- EBRD
- ADB
- OSCE
- SDC
- GTZ
- The Netherlands

ANNEX II: EXCERPTS FROM RELEVANT LEGISLATION

List of Annexes

available on request

1. Statute of the Commission on Combating Corruption under the State Council on Management of the Civil Service
2. Regulations of the Civil Service Commission under the President
3. Anti-Corruption Act with Amendments
4. Law on Civil Service
5. Draft Amendments to the Criminal Code – corporate responsibility
6. Procedures on submission of financial information by public officials
7. Law on Right to Obtain Information
8. Court and Judges Act
9. Judicial Legal Council Act
10. Code of ethical conduct of the Internal Affairs Authority Associates
11. State Programme on Fighting Corruption
12. State Programme on Fighting Corruption - Measures
13. Code of ethics of the Ministry of Taxes with the acknowledgement form
14. Draft Code of Ethics and Conduct of Civil Servants
15. Statistics on convictions for corruption
16. Obtaining Information in Azerbaijan Republic, Legislation and Practice (NGO report)
17. Monitoring of State Programme on fight against corruption (NGO report)