

Current State Assessment Report for Information Transparency in the Activities of Local Governments (on the Example of Pilot Areas)

BAKU - 2020

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The Black Sea Trust for Regional Cooperation is not responsible for the content of the paper.

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An Overview of the Assessment Report

Access to information of public importance related to the activities of public authorities, as well as public service providers is a very serious problem for the population living in Azerbaijan's rural areas. Communities have difficulty in finding information from open sources about their education, health, and the planned and actual costs of maintaining the infrastructure they use. Local bodies either do not have reports on their activities at all, or they do not have enough information necessary for citizens. The participation of the population in decision-making and implementation processes is not ensured, and as a result, they lose access to information due to the communication they have established. Such information secrecy and non-transparent activities apply to both local executive authorities and municipalities, as well as to community-service organizations and public utilities.

The fact that the media and civil society are more active and professional, and the society is more active in the capital city, there is a plethora of initiatives to obtain information about the activities of central authorities. However, the problem is more prevalent in the regions. Restricted active and professional civil society, as well as media make it more difficult for communities to access public information at the local level. There is lack of information on the statistical indicators reflecting the size and structure of investments injected into the regions through various channels, the benefits they gain from these investments, the composition of expenditures allocated to the regions through budget and extra-budgetary funds, the resources used to implement various government programs, the activities of community-service organizations and public utilities in rural areas.

A comprehensive assessment of information openness at the local level to conduct public advocacy of initiatives on behalf of civil society was essential for a more objective assessment of the current situation and progressive changes in this direction. To carry out an assessment, 37 indicators were identified across 8 areas. In determining the indicators, legal provisions and standards related to the openness of information in the country were fully taken into account. Areas of assessment include:

- The level of information transparency regarding the creation of public funds and taxes;
- The situation regarding the transparency of information on the use of public funds;
- The level of transparency of information on the use of public property;
- The state of openness of information on social services;
- The level of transparency of information at the level for public information response;
- The status of opportunities and accountability ensuring openness of information provided by local public authorities;
- Information transparency relating to the economic potential of the regions;
- The level of transparency of information relating to the administrative organization of the work of local authorities.

Based on a set of indicators in these areas, the assessment was conducted on the example of four regions across Azerbaijan (Barda, Yevlakh and Khachmaz districts, Mingachevir city). At a further stage, a similar assessment can be conducted for all districts and cities

1. Legal bases of openness of public information at the local level

The country's legislation sets out important and mandatory legal provisions on information disclosure in the example of public institutions operating at both the central and local levels. The basic document in this area is **the Constitution of the Republic of Azerbaijan**.¹ According to Article 50 of hereof, everyone is free to legally seek, receive, impart, produce, and disseminate any information.

The Law on Right to Obtain Information² can be cited as the main normative legal act adopted to implement this provision in actual practice. According to Article 2 of the Law, access to information in the Azerbaijan Republic is free. Any person is entitled to apply directly or via his (her) representative to the information owner and to choose the type and form for obtaining the information. And any person applying for the information to its owner is entitled to obtain the requested information freely, on an unrestricted and equal basis, in case the information owner possesses. Article 3 of the law explains the definition of public information: *public information - any facts, opinions, knowledge produced or acquired during performance of duties provided by legislation or other legal acts*. The information owner are state authorities, municipalities, legal entities irrespective of the ownership type, and individuals to guarantee the right of information access. The information disclosure implies distribution of information via mass media, official publications, questionnaires, and reference books; placement with Internet Information Resources; declaration at briefings, press-releases or conferences; disclosure during official or public events without any request for information.

According to Article 6 of hereof, basic principles of information access are free, unrestricted, and equal settlement of any information request and execution of any information request as soon as practicable and under the most appropriate method. According to Article 9, state authorities and municipalities; legal entities implementing the public functions, as well as private legal entities and individuals engaged in the spheres of education, healthcare, cultural and social sphere based on legal acts or contracts are considered the information owners. Plus, legal entities holding the dominant position, as well as holding a special or exclusive right at the products market, or being a natural monopoly – in relation to the information associated with the terms of offers and prices of goods as well as the services and changes in such terms and prices; fully or partially state-owned or subordinated non-commercial organizations, off-budget funds, as well as the trade associations where the state is a member or a participant – in relation to the information associated with the use of the State Budget funds or properties contributed to them - are considered equal to the information owners.

¹ <http://www.e-qanun.az/framework/897>

² <http://www.e-qanun.az/framework/11142>

As for legal entities performing public functions, the list of these entities was approved by Resolution 338³ of the Cabinet of Ministers, dated September 1, 2016. According to the list, legal entities performing public functions as public information owners include not only government agencies, but also public legal entities, credit and insurance organizations, telecommunications and postal enterprises, etc.

According to Article 10 (*Information Owner Obligations*) of the Law, Information owner is obliged to secure everyone's free, unrestricted and equal right of access to pertaining information resources under the procedures established by the present Law. For these purposes, the information owner appoints an official or establishes a department on information matters, provides information services.

According to Article 12 of hereof, Register of Documents is a publicly-accessible electronic database where all information received by the information owner, produced or acquired as a result of fulfillment of public duties is registered. The respective executive authority establishes policies for creating, maintenance and periodic update of the Register.

Article 29 of hereof establishes the list of information disclosure, according to which the information owner should disclose information available or produced or acquired as a result of fulfillment of public duties. The list is long enough that also includes consolidated statistical data, including consolidated statistics on crimes and administrative delinquencies; budget forecasts; statutes on departments of state authorities; guidance prepared in connection with activities of state authorities and municipalities; staffing table of state authorities and municipalities, names, family names, telephone numbers, e-mail addresses, education and specialization details of officials employed by these authorities; reports on activities of state authorities and municipalities; names, family names, e-mail addresses of persons, who are the members of administration of legal entities engaged in exercising public functions; information on conditions and results of state and municipal purchases, as well as sales of and changes in ownership rights in state and municipal properties; information on loans, grants to information owners provided by Article 9.1 hereof, their terms and utilization; reports on activities of legal entities engaged in exercising public functions; statements on performance of the State Budget and rolling budget, etc.

According to Article 30 of the law, this information must be disclosed in Internet Information Resources. Beyond that, information can be disclosed through mass media, official publications, libraries, and public information centers.

In addition to the main normative documents, important legal documents, such as the laws 'On Freedom of Information', 'On Budget System', 'On the Status of Municipalities'⁴, 'On Local (Municipal) Taxes and Payments'⁵; 'Forms and Rules for Creating Internet Information Resources of Government Bodies and Municipalities'; 'Regulations on Local Executive Authorities'⁶, call for information openness and transparency in the activities of public organizations.

Transparency and openness of public information in the decision-making process in public administration are important in several regards. First, in the absence of transparency and information openness, it is difficult to ensure the efficient use of public resources. Transparency in government is the most important condition for both the media and civil society, as well as the parliament, to be able to perform its functions of inspection, evaluation, monitoring and public

³ <http://www.e-qanun.az/framework/33634>

⁴ <http://www.e-qanun.az/framework/4770>

⁵ <http://www.e-qanun.az/framework/1470>

⁶ <http://www.e-qanun.az/framework/23701>

information effectively and in accordance with the public interest. On the other hand, if society as a whole does not have unimpeded access to public information, it does not have an objective idea of the government's activities, loses the ability to compare alternative political forces, and does not create an environment conducive to alternative ideas.

Undoubtedly, there is a need to increase the capacity of local public institutions (media and NGOs) and young volunteer activists in addressing the problem. The report was prepared in collaboration with local public activists and experts in four selected pilot regions - Yevlakh, Khachmaz and Barda districts, as well as in Mingachevir city. At the initial stage, meetings were held at the local level to raise awareness of the existing legal requirements and practices in the field of openness of public information in this area. At these meetings, the indicators to be used to assess the openness and transparency of the activities of local governments and community-service organizations were discussed, and a final version of these indicators was prepared.

At the next stage, on the basis of these indicators, an assessment was made on the level of openness of public information, transparency of the activities of a number of local authorities and municipalities, as well as local social and public service organizations, and a separate report was prepared for each district

During the preparation of the report, the same institutions and the same public services were monitored in all pilot areas. Since Mingachevir is a city, the monitoring report on the area did not use indicators related to agriculture and farmers.

2. Assessing the level of information transparency in the activities of local government and community-service organizations in pilot areas

The assessment indicators used to prepare the monitoring report envisages the assessment of the activities of the most viable governing bodies (district executive authorities, local governments and municipalities), community- service institutions (education, health and social protection bodies) and public utilities that provide daily services to citizen.

It was proposed to use 37 indicators in 8 areas for public monitoring of information openness and transparency in the activities of local governments and community-service organizations (institutions).

The results of the assessment of specific indicators in these areas, involving the pilot areas, are presented below.

2.1. The level of information transparency regarding the creation of public funds and taxes

In this regard, a total of 10 indicators were used to assess the transparency of information on tax, revenues to the state and municipal budgets, as well as revenues from the use of public property, extra-budgetary operations of budget organizations and the accountability of relevant organizations. The results of the assessment on these indicators conducted in several districts across the country are as follows:

2.1.1. Information on the maintenance costs of public authorities and the composition of these costs; on the amount of spending on landscaping through the executive power

The website of the **Mingachevir City Executive Power** does not include information on the total amount of maintenance costs of public authorities and the composition of these costs, and

this information is not available to the public in other official information sources. Although there is a website of the City Executive Power,⁷ no information on governing costs is disclosed.

Such information is disclosed only at regular meetings held once a year by certain executive offices under the City Executive Power. For example, on January 23 and 24, 2020, information on the management costs of the representations of the Mingachevir City Executive Power in the 1st and 2nd Areas of the Administrative Territorial Constituency for 2019, as well as salaries and administrative expenses was disseminated by independent media that attended the event.⁸

During the preparation of the report, **the Barda District Executive Power** did not respond to the official letter for information inquiry sent by local experts. In response to the letter sent to the Barda Finance Department, it was stated that according to the Cabinet of Ministers Resolution No. 504 of November 26, 2018, information related to the annual financial activities of organizations, including the use of state budget funds or property allocated to them must be disclosed in their Internet information resources.

Although there is an official website of the Barda Executive Power⁹, no information on budget expenditures was found. The Barda Finance Department does not have an official website.

Neither the amount, structure of local government spending in **Yevlakh district**, nor improvement-related expenditure of local executive body are available in any open official sources, including the website of the Yevlakh District Executive Power¹⁰, as well as in official periodicals, including local newspaper.

The results of the assessments show that the costs of financing the activities of local governments, as well as the improvement of areas through local executive authorities, are kept relatively closed in all areas and are not accessible to the public.

Neither the amount, structure of local government spending in **Khachmaz district**, nor improvement-related expenditure of local executive body are available in any open official sources, including the website of the Khachmaz District Executive Power¹¹, as well as in official periodicals (local newspaper).

The results of the assessments show that the costs of financing the activities of local governments, as well as the improvement of areas through local executive authorities, are kept relatively closed in all areas and are not accessible to the public.

2.1.2. Information on procurements carried out by public authorities

The results of the monitoring show that a number of information on public procurement in all districts can be obtained from the single internet portal of public procurement.¹² All districts and cities have information on procurement announcements and contracts. However, detailed information on the results of executed contracts is not available.

The table on concluded contracts contains information on the name of the organization, the value of the contract, the subject, the name of the consignor (winning) organization, the date of conclusion of the contract. The list of concluded contracts can be obtained from the relevant link¹³ by entering the name of each district (city).

⁷ <http://mingechevir-ih.gov.az/index.html>

⁸ <https://mi-news.az/1-sayli-numay-nd-liyin-hesabatinda-hansi-m-s-l-l-r-qaldirdi/>
<https://mi-news.az/ilham-ismayilov-o-ki-qaldi-m-rk-zi-bazarin-trafinda-yaranmis-xosag-lm-z-v-ziyy-t-buna-son-qoyulmalidir/>

⁹ <http://berde-ih.gov.az/>

¹⁰ <http://yevlax-ih.gov.az/page/34.html>

¹¹ <http://www.xachmaz-ih.gov.az/>

¹² <http://etender.gov.az/>

¹³ <https://etender.gov.az/media/contracts-register>

Procurement announcements for all districts (cities) can be obtained by exploring the appropriate link and entering the name of the relevant district (city) in the search section.¹⁴

Information on 70 procurement contracts for **Mingachevir city** in 2019 by local government agencies was posted on the website, of which 34 contracts were concluded directly by the city Executive Power or its structures (Housing and Communal Services, Landscaping Department, etc.). The total value of the contracts was nearly AZN 1.5 million. The remaining contracts were mainly related to the procurement by the city's educational institutions.

Information on 47 procurement contracts for **Barda district** in 2019 by local government agencies was posted on the website, of which 11 contracts were signed on behalf of the Barda city representation of the district's executive power. The total value of these contracts was nearly AZN 1.2 million. The remaining contracts were signed mainly on behalf of the Central Hospital, the Regional Department of the Ministry of Culture and the Subartesian Wells Operation Department.

Information on a total of 7 procurement contracts for **Yevlakh district** in 2019 by local government agencies in the Yevlakh region was posted on the website, and 5 of these contracts were concluded directly on behalf of the Executive Power or the Department of Landscaping. The total value of these contracts was AZN 106,000. The other two contracts were signed on behalf of the District Police Department and the Regional Office of the State Real Estate Registry Service.

Information on 44 procurement contracts for **Khachmaz district** in 2019 by local government agencies was posted on the website, and 11 of them were signed on behalf of the Executive Power of the district. These contracts were valued at a total of AZN 228,000. The remaining contracts were signed mainly on behalf of the Central Hospital, the Regional Department of the Ministry of Culture, the District Police Department, and the Regional Office of the State Real Estate Registry Service.

Although information on the procurement activities of local government bodies is not disclosed on their Internet resources, the single state electricity procurement portal helps to make such information available to the public. However, the main problem in this area is that it is not possible to identify what part of the budget is the contract value on the e-procurement portal, as the amount of approved budget funds for the purchase of goods, works and services for each local government organization is kept secret. The most important indicator for public oversight is what part of the annual orders of government agencies for goods, services and work is realized through public procurement methods.

This means that the transparency of procurement data at the local level must be complemented by the full transparency of local budget information.

2.1.3. Total amount of health-care expenditure by district (city)

It is impossible to get information in open sources on spending allocated from the budget to the health-care system of districts (cities). The health-care expenditure of the pilot areas (**Mingachevir, Yevlakh and Agdash districts**) in the report of the Compulsory Medical Insurance Agency for 2018 is not presented separately for each administrative area. It is clear in the report that a total of AZN 32,660.39 thousand was spent on 3 pilot areas in 2018.¹⁵

It was not possible to obtain information on the amount of health-care spending for Barda district. According to the local statistics body of Khachmaz district, the amount of health-care expenditure in for 2018 amounted to AZN 5175.9 thousand. However, this information is not

¹⁴ <https://etender.gov.az/competition>

¹⁵ https://its.gov.az/files/1/icbari_tibbi_sigorta_uzr_dovlt_agentliyinin_illik_hesabati_2018.pdf

available in open sources that are always available to the public (for example, official websites, periodicals). This information was spread in the annual statistical bulletin published by the district statistical body for a limited number of services.

2.1.4. The amount of funds allocated to the district (city) within the state programs and spending pattern

Numerous and different government programs are being implemented in the regions across the country. For example, there are state programs on regional development, various sectors of the agricultural sector (viticulture, cotton, etc.), targeted budget programs on health (diabetes, kidney failure, etc.). However, in none of the monitored administrative areas is there any open source information on the funds spent on government programs in specific regions, their source (state budget, borrowed funds, etc.), and it is not possible to obtain such information even on the basis of inquiries to official bodies.

Only the official website of the Yevlakh District Executive Power shares information on AZN 5 million allocated for the construction of a drinking water and sewerage system in Yevlakh.

The lack of regional distribution of funding for programs makes it impossible for public monitoring and effective media oversight over their implementation

2.1.5. Size and composition of expenditures on education by district (city) by level of education (preschool, secondary and other levels of education)

It was not possible to get information on the total amount and structure of spending on education in **Mingachevir city and Barda, Yevlakh districts**.

According to the local statistics department of Khachmaz district alone, the spending on education allocated to the district in 2018 totaled AZN 1120.6 thousand. However, no information is disclosed on the structure and economic classification of expenditures by level of education. On the other hand, this information is not disseminated through open sources of information (eg, official websites, periodicals), but in a limited number of official statistics published for official use.

2.1.6. Size and composition of agricultural spending by district (city)

As **Mingachevir** is a residential area, no agricultural spending on this city is covered in the budget. No information on none of the remaining three districts (**Khachmaz, Yevlakh and Barda**) is available in open sources.

In Barda district, even on the basis of official inquiries, this information was not available. Only the appeal to the regional branch of the State Agriculture Development Center in Yevlakh yielded results. According to the information provided by the center, the total amount of spending on agriculture in 2018 was AZN 2268.4 thousand, the main part of which consists of subsidies to the agricultural sector.

2.1.7. Total and types of subsidies to the agricultural sector by district (city), distribution by villages, list of farmers receiving subsidies

None of this information was available in **Yevlakh and Barda** districts and is not available to the public through open information channels.

However, the Khachmaz branch of the State Agricultural Development Center provided some information based on the survey. It is clear from the response to the survey that in 2018, AZN 2.4

mln. in subsidies was paid for 35,000 hectares of farmland owned by 13,200 producers in 27 villages and settlements. However, the list of farmers is not disclosed.

2.1.8. The amount of funds channeled to the district (city) for land reclamation

None of the districts impacted by the monitoring access information on the amount of spending required for the maintenance and development of the land reclamation system, and no information was available during the monitoring period.

2.1.9. Size and composition of spending on social protection in the district (city)

None of the districts impacted by the monitoring have access to information on the size of social protection spending, the amount of expenditures required for the maintenance and development of the reclamation system for various social protection measures, and no information was available during the monitoring.

2.1.10. Annual expenditure pattern of district (city) municipality

As part of the monitoring, it was decided to assess the level of transparency of municipal budgets only on the example of urban municipalities in the administrative territories involved in the monitoring. Because the number of municipalities is large, such an assessment, which is not very large and covers all municipalities in the process of limited monitoring, would not be physically possible. In this regard, it was decided to select the municipalities that are likely to have higher levels of public activity and local self-activity as the object of the pilot assessment.

We failed to explore information only on the budgetary spending and expenditure pattern of **Barda city** municipality.

Mingachevir city municipality discloses data through its official website. According to the report, 2018 expenditures totaled AZN 416,200. Of these, AZN 203,300 were spent on salaries and social insurance payments, AZN 33,800 on landscaping, and AZN 56,900 on social activities.¹⁶

Budget expenditures of **Khudat (Khachmaz district) city municipality** are disclosed through various information channels, including independent websites. For example, an article posted by the municipal administration states that in 2018, the implementation of the expenditure part of the local budget was AZN 71,100. The article details the expenditure pattern and purpose.¹⁷

According to the information received from the **Yevlakh city** municipality, the annual expenditures of the 2018 local budget totaled AZN 330,000, of which AZN 229,300 was spent on the maintenance of local self-government, AZN 11,400 on local social protection and social security, AZN 66,600 on housing and communal services, and AZN 22,600 on landscaping, greening and environmental protection.

The assessment shows that even municipalities' access to their budget reports through modern information channels remains a serious problem. However, municipalities, like elected bodies, need exercise a proactive and open attitude in this area.

2.2. The situation regarding the transparency of information on the use of public funds

To that end, two indicators have been used to assess the information openness and accountability of relevant organizations regarding the expenditures and their functional structure

¹⁶ <https://www.mingachevir-belediyye.az/content.php?lang=az&page=6>

¹⁷ <http://belediyye.info/new/details/belediyyelerin-daha-yaxsi-islemesi-ucun-belediyye-secici-hemrelyiyi-vacib-amildir--4853.htm>

for the needs of districts and cities through the state and municipal budgets. The results of the assessment of specific indicators for the pilot areas are presented below.

2.2.1. The total amount of taxes collected in the district (city) and the amount by type of payment

The laws on the state budget for each year approved by the Parliament provide information on the total amount of budget revenues to be formed for each district (city). For example, it is possible to get information on the forecast indicators of budget revenues approved for the previous year in the law on the state budget for 2019 via this link.¹⁸ It is clear from this source that the budget revenues for 2019 came in at AZN 12.956 million for Barda, while at AZN 22.512 million for Khachmaz, at AZN 14.997 million for Yevlakh and at AZN 21.405 million for Mingachevir. However, as can be seen, the data in open sources are forecast indicators, and it is clear that the actual performance indicators can differ significantly from this. However, the budget execution report does not disclose information on the actual execution of budget revenues by districts and cities, as in the annual budget law. This can be clearly seen when reading the report on the implementation of the state budget for 2019, distributed by the Ministry of Finance. Another important point is that the amount of revenue disclosed in the law on the state budget includes funds collected not only from taxpayers, but also from non-tax sources. Therefore, it is very important to disclose information on the types of payments by region.

The annual reports posted in official district and city newspapers as well as the websites of executive authorities do not disclose information on local revenues and expenditures of the state budget.

The possibility of obtaining this information on the basis of information requests in the monitoring-impacted administrative territories was also investigated. This information could not be obtained for Yevlakh district and Mingachevir city. In response to the letter sent to Barda district, the information was provided not in a specific year, but in a summary form for 2018-2019. The report also noted the total amount of taxes collected in the state budget in the district, as well as the amount of receipts by type of payment.

The annual release of the Khachmaz District Statistics Department contains information on taxes and other budget payments collected in the state budget for Khachmaz. For example, in 2018, about AZN 2.9 million of total AZN 14.9 million revenue generated from personal income tax, AZN 5.5 million from VAT, and AZN 1.5 million from profit tax. However, this release is not intended for the general public, but for more service use, and is published in a very limited edition.

2.2.2. Annual revenue pattern of district (city) municipality

As part of the monitoring, it was decided to assess the level of transparency of municipal budgets only on the example of urban municipalities in the administrative territories involved in the monitoring. Because the number of municipalities is large, such an assessment, which is not very large and covers all municipalities in the process of limited monitoring, would not be physically possible. In this regard, it was decided to select the municipalities that are likely to have higher levels of public activity and local self-activity as the object of the pilot assessment.

It was not possible to find information on the budget expenditures and expenditure pattern of the **Barda municipality**.

¹⁸ <http://www.e-qanun.az/framework/41115>

Mingachevir city municipality discloses information through its official website. According to the report, revenues in 2018 amounted to AZN 484,700. Of this, AZN 170,000 came from the state budget, and the remaining AZN 314,700 from the municipality's own sources.¹⁹

Budget revenues of **Khudat (Khachmaz district) city** municipality comprised AZN 70,400. Of this, AZN 3,150 was provided by the state budget, and AZN 67,250 by the municipality's own sources of income. The municipality chief announced this information in an article published in periodicals.

According to the information received from the **Yevlakh city** municipality, the total annual expenditures of the local budget for 2018 amounted to AZN 342,700, of which AZN 76,000 was formed from the state budget, and the remaining AZN 266,700 from the municipality's own sources.

2.3. The level of transparency of information on the use of public property

To that end, three indicators have been used to assess the transparency of information on the availability and use of all types of movable and immovable property owned by the state and municipalities, and the accountability of relevant organizations. The results of the assessment of specific indicators for the pilot areas are presented below.

2.3.1. Information on the list and area of residential and non-residential buildings at the disposal of the District (city) Executive Power, size and composition of the land fund

There is no information on the size of the total land fund owned by the executive authorities, other types of property and their area in open sources in **Barda** and **Khachmaz** districts, and it was not possible to obtain it through a survey.

There is no open source information on **Barda district**, and it was not possible to obtain it through a survey.

There is no information in open sources on **Yevlakh district** either. According to the survey, there are 60,450 state-owned land plots. It was not possible to obtain any information on residential and non-residential buildings.

There is no open source information on **Mingachevir city**. In response to a request sent to the City Executive Power, it was stated that they should apply to the Mingachevir territorial department of the State Committee for Property Affairs to obtain information on residential and non-residential areas at their disposal, as well as the size and composition of the land fund. The Mingachevir territorial department of the State Committee for Property Affairs advised to apply directly to the Ministry of Economy.

2.3.1. Land plots, list and area of residential and non-residential buildings leased and alienated by the district (city) municipality

There is no information in open sources about the lands and buildings owned by the municipalities of **Barda** and **Khudat**, and it was not possible to clarify this information through various channels.

There is no open source information on **Yevlakh city** municipality. According to the survey, the municipality has signed a lease agreement for the lease of 98 garages and 3 parking lots. In 2018, 334.7 m² of land was sold. It was not possible to obtain exact information on the

¹⁹ <https://www.mingachevir-belediyye.az/content.php?lang=az&page=6>

composition and total size of lands and other property transferred to the ownership of the Yevlakh city municipality.

Certain information can be obtained from the electronic report²⁰ of **Mingachevir city** municipality. In 2018, the municipality decided to announce a competition for the lease of 96.4 square meters of land and 2,160 square meters of land for entrepreneurship. During the reporting period, the Mingachevir Territorial Land Competition and Auction Commission of the Auction Center for the Organization of Auctions under the State Committee for Property Affairs of the Republic of Azerbaijan held a competition for the transfer of 165 sq.m (60 sq.m and 55 sq.m land plots in 2017, 50 sq.m land plots in 2018) to private ownership and lease of 44.4 square meters of land. During the year, the municipality transferred 13,293 square meters of land to private ownership for the construction of individual housing.

However, the Team failed to obtain accurate information on the composition and total size of lands and other property transferred to the ownership of the city municipality in open sources.

2.3.1. Total area of state-owned farmlands in the district (city), their leased part and number of tenants

There is no information on the size of state-owned farmlands in **Barda, Yevlakh and Khachmaz districts** and the number of tenants, and it was not possible to obtain these data through a survey. Even the Yevlakh Executive Power responded to the request and said that the total area of farmlands and the leased area is not disclosed to the public.

As **Mingachevir city** is a residential section, it has no state-owned farmlands.

2.4. The state of openness of information on social services

To that end, two indicators have been used to assess the information openness and accountability of relevant organizations regarding the size, range, openness of information on the number of various social service beneficiaries living in the regions (e.g., public health, preschool and secondary education, land reclamation and agriculture, social protection system). The results of the assessment of specific indicators for the pilot areas are presented below.

2.4.1. Openness of information on the number of patients, including those involved in the treatment of diseases envisaged in the state programs of treatment for the district (city)

This information on **Barda and Yevlakh districts, Mingachevir city** is not available in open sources. Plus, it was not possible to clarify it through surveys.

There is no open source information on **Khachmaz district**. However, according to the survey, in 2018, as much as 6,998 people in the district were treated through the state programs (including 4,235 people suffering from diabetes, 806 people from cancer, 453 people from tuberculosis, 41 people from kidney failure, etc.). In turn, 4,640 of them were patients provided with drugs or appropriate devices and equipment.

2.4.2. Number and composition of the population impacted by the social protection system in the district (city)

²⁰ <https://www.mingachevir-belediyye.az/content.php?lang=az&page=6>

The number of people involved in the self-employment program in all regions and cities of the country is available on the website of the Ministry of Labor and Social Protection of the Population.²¹ Information on the number of pensioners in districts and cities and the average monthly pension, as well as the number of families and their members receiving targeted social assistance is available on the website of the Statistics Committee.²² The lists of beneficiaries receiving targeted state social assistance in each district and city are available on the website of the Ministry of Labor and Social Protection of the Population.²³

2.5. The level of transparency of information at the level for public information response

It is very important that the right to public information be enshrined in law. However, it is equally important to respond to public inquiries and citizens' requests for information in any form provided by law. Indicators in this direction are related to assessing the extent to which information owners have fulfilled their obligations in the field of public information response. Access to information is a right for a citizen, an obligation for the owner of information. Four indicators have been used to that end. The results of the assessment of specific indicators for the pilot areas are presented below.

2.5.1. The number of requests for information to government and community-service organizations (monthly, annually)

In Barda district, a survey was conducted across 10 government agencies (Executive Power, Central Hospital, Education Department, State Agricultural Development Center, Finance Department, Irrigation Systems Department, City Municipality, State Social Protection Fund's (SSPF) District Department, Territorial Tax Department, and Statistics Department).

Only in the report²⁴ published on the website of the Executive Power, it is possible to see that the statistics of the applicants are kept in order to clarify various issues or to obtain information. For example, according to these statistics, in 2018, some 2,458 people applied for jobs. 1,554 incoming appeals were received by letter, 117 by telegram, 60 by e-mail, 2 by fax, and the remaining appeals were based on oral appeals.

According to Territorial Tax Office No. 11, which also includes Barda, there were 13,875 applications throughout the entire region during the year. However, the response to the question did not specify which part of it belongs to Barda district.

We failed to clarify any information on this indicator for the other 8 government agencies impacted by the monitoring.

Although official reports for **the city of Mingachevir** do not contain information on inquiries and statistics of appeals, there is some information in local independent newspapers and websites.²⁵ One of these sources states that in 2019, at the 46 official receptions of the head of the Executive Power of the city, 886 appeals were heard, 674 appeals were registered in 50 field meetings held in different residential areas.

²¹ <https://mas.mlspp.gov.az/selfemployment/>

²² <https://www.stat.gov.az/source/healthcare/>

²³ <http://sosial.gov.az/udssiyahi>

²⁴ <http://berde-ih.gov.az/news/453.html>

²⁵ <https://mi-news.az/icra-bascisi-hesabat-verdi/>

1,498 applications, appeals and proposals were received from departments and enterprises, and citizens.

According to the city municipality, in 2018, some 1,001 applications and letters were received from citizens. At the same time, the municipality received 845 documents, letters and appeals from official bodies, various departments and organizations.

It was found out that a statistical report on the number of applicants for information inquiries was prepared only in **Yevlakh district Executive Power** and the territorial branch of the Medical Insurance Agency. In 2018, the Executive Power received 875 inquiries and appeals. In 2018, the Medical Insurance Agency received 962 written applications. In order to increase the opportunities to apply, a special 'Electronic Application' section has been created on the official website of the Agency to send appeals in electronic form.

Similar statistics on **Khachmaz district** are kept in the district's Executive Power. In 2018, 1,624 verbal appeals were registered at field meetings and receptions organized in the building of the Executive Power, and 908 written appeals were received. It was not possible to clarify the information on this issue from other government agencies.

2.5.2. Level of response to requests for information inquiries

It was noted that 85.6% of the appeals received by the **Barda District Executive Power** in 2018 were considered and answered directly in the office of the head of the Executive Power.

According to independent media, citing the **Mingachevir City Executive Power**, 310 out of 674 appeals received at field meetings were granted, and relevant explanations were given on 364 appeals. According to the Mingachevir municipality, all appeals are answered in accordance with the requirements of the legislation.

According to the **Yevlakh District Executive Power**, 77% of the received appeals were answered in full or in part, and the remaining appeals were refused as those were not substantiated.

According to the response from the **Khachmaz District Executive Power**, all incoming appeals are answered.

2.5.3. An appropriate structure (department, office, etc.) to be applied for public information

The website of the **Barda District Executive Power**²⁶ reports that the head of the 'Department for Work with Documents and Citizens' Appeals' of the Executive Power Office is responsible for this area. Authorized persons have been identified in other government agencies.

There is no separate department in the **Mingachevir City Executive Power** to respond to information inquiries. In Mingachevir municipality, a 'Department for Documents and Citizens' Appeals' has been established, but in practice this authority is exercised by the municipality chief and the 'Standing Commission on Local Social Affairs.' A person in charge of information has been hired at Mingachevir Central Hospital. The senior executives in the Mingachevir city education department, SSPF city department and other government agencies are responsible for providing such information.

In **Khachmaz**, there is a special department for information and documents and appeals of citizens. Authorized persons have been identified in other government agencies.

²⁶ <http://berde-ih.gov.az/page/28.html>

In **Yevlakh**, there is a separate department of the district executive power to which you can apply for public information. Authorized persons have been identified in other government agencies.

2.5.4. Availability of opportunities to contact the relevant structure (department, office, etc.) to obtain public information and the number of channels of access to information (telephone, email, online communication through the site, social network, etc.)

In order to communicate with the public, both telephone communication, e-application via the website (<http://berde-ih.gov.az/feedback.html>) and e-mail (mail@berde-ih.gov.az) are available in the **Barda District** Executive Power. The finance department has two contacts (berde.maliyye@mail.ru and telephone), district statistical agency – two (barde@azstat.org, barde@stat.gov.az and telephone), SSPF regional department – two (barde_dsmf@mlspp.gov.az and telephone), Barda city municipality – one (telephone only), district Central Hospital - two (berde_rmx@sehiyye.az and telephone), district education department – three (email: barde@edu.gov.az, telephone and electronic Application: <http://barda.edu.gov.az/en/contacts/appeal>).

The website of the **Mingachevir City** Executive Power shares information on three contacts (mail@mingechevir-ih.gov.az, telephone and online <http://mingechevir-ih.gov.az/feedback.html> from the 'Electronic application' section).

Mingachevir Municipality has three contacts for applications (ming_balad@box.az, mingechevirbl@yahoo.com, telephone and e-application via the website <https://www.mingechevir-belediyye.az/> in the section titled “I have got something to tell the municipality”).

The city education department has 3 contacts (mingachevir@edu.gov.az, telephone and e-application via the website <http://mingachevir.edu.gov.az/en/contacts/appeal>).

Since other government agencies do not have websites, they can be communicated through their offices.

Yevlakh Executive Power’s website shares information on three contacts for applications (mail@yevlax-ih.gov.az, telephone and e-application via the website <http://yevlax-ih.gov.az/feedback.html>). Since other government agencies do not have websites, they can be communicated through their offices.

Khachmaz Executive Power’s website also shares information on three contacts for applications (mail@xachmaz-ih.gov.az, telephone and online from the 'Electronic application' section of the site <http://www.xachmaz-ih.gov.az/feedback.html>). Since other government agencies do not have websites, they can be communicated through their offices.

2.6.The status of opportunities and accountability ensuring openness of information provided by local public authorities

It includes indicators for assessing the level of accountability of local government and community-service organizations, and their ability to use electronic and digital means to publish reports. Five indicators have been used to that end. The results of the assessment of specific indicators for the pilot areas are presented below.

2.6.1. Websites launched by the public authorities

Only two public authorities in Barda district have launched own websites - the Executive Power (<http://berde-ih.gov.az/>) and the Education Department (<http://barda.edu.gov.az/>).

Three public authorities in **Mingachevir** city have launched own websites - the Executive Power (<http://mingechevir-ih.gov.az/index.html>), the municipality (<https://www.mingechevir-belediyye.az/>) and the Education Department (<http://mingachevir.edu.gov.az/>).

Only two public authorities in **Yevlakh** district have launched own websites - the Executive Power (www.yevlax-ih.gov.az) and the Education Department (<http://www.yevlakh.edu.gov.az/>).

Only two public authorities in **Khachmaz** district have launched own websites - the Executive Power (<http://www.xachmaz-ih.gov.az>) and the Education Department (<http://www.khachmaz.edu.gov.az/>).

2. 6.2. Availability of periodic (monthly, quarterly, semi-annual, annual) reports on the official website

There are no separate reporting sections on the websites of the monitoring-affected districts and cities. However, some post the full text of the chief executive's speeches at regular meetings, while others only share a brief summary. For example, the websites of the Barda District Executive Power posted a fairly broad report²⁷ from the recent regular meeting, of the Yevlakh District Executive Power a brief summary²⁸ of the report, and of the Khachmaz District Executive Power a brief news²⁹ highlighting the meeting presided by the head of the district's executive power. Although brief information³⁰ about the report was published on the website of the Mingachevir Executive Power, the full text of the report³¹ had appeared in independent media outlets with the Executive Power's consent.

The full text of the regular meetings of the executive authorities in all districts and cities appears in the official newspapers of the executive authorities.

2. 6.3. The suitability of search engine on the official website

In all monitoring-affected districts, there is a search system on the websites of local education departments, but this function is not serviceable on the websites of the executive authorities, including that of the Mingachevir City Municipality.

2.6.4. Official printing or electronic publications of the institutions

The official publication of the **Barda District** Executive Power is the newspaper "Barda". There is no electronic version of the newspaper, it is distributed only in print format. Plus, there is a social network profile (<https://www.facebook.com/berdeqezeti>).

The official publication of the **Yevlakh District** Executive Power is the newspaper "Kur". It also has an electronic version (<http://www.kur-yevlax.com/>). The newspaper's social network profile is also available (<https://www.facebook.com/kur.qezeti.7>).

The official publication of the **Mingachevir** Executive Power is the newspaper "Mingachevir", which has no electronic version, but has a social network account (<https://www.facebook.com/MubarizHesenov1984>).

²⁷ <http://berde-ih.gov.az/news/558.html>

²⁸ <http://yevlax-ih.gov.az/news/562.html>

²⁹ <http://www.xachmaz-ih.gov.az/news/335.html>

³⁰ <http://mingechevir-ih.gov.az/news/606.html>

³¹ <https://mi-news.az/icra-bascisi-hesabat-verdi/>

The official publication of the **Khachmaz** Executive Power is the newspaper “Khachmaz”. There is no website, but there is a social network account (<https://www.facebook.com/pages/category/Community/Xacmaz-qazeti-217944084903599/>).

2.6.5. The availability of regulatory guidelines of the agencies to ensure openness of public information

We failed to obtain information on the availability of such a regulatory directive owned by any of the agencies involved in the monitoring, and no such document was found in open sources.

2.7. Information transparency relating to the economic potential of the regions

It includes indicators for assessing the openness and accessibility of indicators that characterize the economic development of the regions, economic processes and measures. Five indicators have been used to that end. The results of the assessment of specific indicators in these areas for the pilot areas are presented below.

2.7.1. The existence and the level of openness of districts (cities) development plans (strategies), including master plans

According to the requirements of the Town Planning and Construction Code³², general, master and detailed plans of all areas shall be prepared. Among these plans, master plans have a special significance in terms of demonstrating the socio-economic potential of the territories. Future planning in the master plans is based on existing socio-economic opportunities, and one of the main sections of the document is based on a detailed analysis of the current situation. Open information sources contain only the Master Plan of Mingachevir city³³, the Master Plan of Khachmaz city³⁴, and the Master Plan of Yevlakh city³⁵. However, only map drawings are provided in the part of these documents accessible to the public, and the socio-economic analysis part of the document is unavailable to the public.

Only a brief summary of the main socio-economic problems attached to the document, along with a map drawing of the Barda district’s Master Plan, has been posted.³⁶

Nevertheless, these plans cover only district centers and cities. In general, none of the administrative regions involved in the monitoring had any document in the format of development plans or strategies that diagnose the socio-economic problems of the district in publicly available sources of information.

2.7.2. Production structure of industrial products by districts (cities)

Information on the volume and structure of industrial products by all districts and cities is available on the website of the State Statistics Committee.³⁷ You can get obtain information on the range of industrial products produced during the year and their volume in all areas, including 4 districts and cities impacted by the monitoring, by visiting the sub-section 'Industry of Regions' in the industry section of the Committee’s website.

³² <http://www.e-qanun.az/code/22>

³³ <http://www.e-qanun.az/framework/34168>

³⁴ <http://www.e-qanun.az/framework/34168>

³⁵ <https://arxkom.gov.az/storage/media/1620/b72f211a-1d05-44aa-a574-ed1341893a1e.pdf>

³⁶ <https://arxkom.gov.az/storage/media/335/f93bd73a-0922-4035-9fed-b3e6326b10a7.pdf>

³⁷ <https://www.stat.gov.az/source/industry/>

However, this information is not available in any reports local government agencies make available to the public and on Internet resources.

2.7.3. The structure of value added by industries into districts (cities)

Official statistical data do not disclose information neither on the total amount of value added into districts and cities of the country, nor on the structure by industries. However, they include another indicator - the 'output release' - close to this indicator and includes another big economic indicator in terms of assessing both the economic potential of the regions and the structure of the economy. By visiting the section "Overall output release to regions"³⁸ on the State Statistics Committee's website, you can get access statistical data relating to the total volume of products produced during the year in terms of value, as well as the volume of output release by five sectors of the economy (industry, agriculture, construction, transport, communications and trade), including four districts and cities impacted by the monitoring.

However, this information is not available in any reports local government agencies make available to the public and on Internet resources.

2.7.4. Volume of agricultural production by type for districts (cities)

Information on the volume of production of all types of agricultural products in both crop and livestock segments in all districts is available on the State Statistics Committee's website. By visiting the sub-section "About districts" in the section "Agriculture, forestry and fisheries", you can access information on the range and physical volume of agricultural products released during the year in all regions, including four districts and cities impacted by the monitoring.³⁹

However, this information is not available in any reports local government agencies make available to the public and on Internet resources.

2.7.5. Poverty level by district

Although the country's poverty rate⁴⁰ is available, no open source sources provide such statistics for specific districts and cities.

2.8. The level of transparency of information relating to the administrative organization of the work of local authorities

It includes indicators that assess the level of transparency of information on the most important regulations governing the work of organizations of local government and community-service organizations and their officials. Four indicators have been used to that end. Below are the results of the assessment of specific indicators for the pilot areas.

2.8.1. List of officials of district (city) organizations of government and community-service structures and availability of contact information

In Barda district, it is possible to get information about the officials of two public authorities, which have a website, directly from the Internet. The list of all responsible persons of the Executive Power of the district is posted on the relevant link (<http://berde-ih.gov.az/page/21.html>).

³⁸ https://www.stat.gov.az/source/system_nat_accounts/

³⁹ <https://www.stat.gov.az/source/agriculture/>

⁴⁰ https://www.stat.gov.az/source/budget_households/#

The information on the head of the education department is also posted on the department's website (<http://barda.edu.gov.az/az/page/2561>). As the city municipality does not have a website, information on the head of this body can be found on the website of the Executive Power (<http://berde-ih.gov.az/page/23.html>).

Information on officials of the Executive Power of **Mingachevir city** is posted on the relevant link (<http://mingechevir-ih.gov.az/page/21.html>). The list of city education department's senior staff (<http://mingachevir.edu.gov.az/az/page/11489>) and the list of city municipality officials

(<https://www.mingechevir-belediyye.az/content.php?lang=az&page=16>) can also be obtained from the website of the relevant agencies.

The information about officials with local government and community-service organizations of the **Yevlakh** Executive Power can be obtained on the website (<http://yevlax-ih.gov.az/page/19.html>) and about the officials of the education department on the website of the department (<http://yevlakh.edu.gov.az/az/page/17069>).

The information about officials with local government and community-service organizations of the **Khachmaz** Executive Power can be obtained on the website (<http://www.xachmaz-ih.gov.az/page/21.html>) and about the officials of the education department on the website of the department (<http://khachmaz.edu.gov.az/az/page/8978>).

Information on officials of local government organizations that do not have websites can be obtained either from their offices or through the websites of their central government agencies. For example, the head of the Barda regional statistical office (https://www.stat.gov.az/menu/8/regions_addresses/), an official of the local tax service (<https://www.taxes.gov.az/az/page/11-sayli-erazi-vergiler-bas-idaresi>) can be obtained from the relevant links on the website of the relevant agencies. In the same way, it is possible to access information about the heads of similar bodies in all districts and cities in a similar way.

2.8.2. The number of public hearings held by the municipality during the year

According to the **Mingachevir city** municipality, public hearings were held twice last year: one discussed local social problems at the beginning of the year; the other discussed the forecast of local budget revenues and expenditures at the end of the year. The discussions were mainly attended by members of neighborhood committees and NGO representatives.

According to the **Yevlakh city** municipality, 11 public hearings, held at the initiative of the municipality in 2018, discussed the issues raised by voters, the revenue and expenditure capacity of the municipal budget.

It was not possible to get feedback on this issue from the **Barda** city municipality, and there is no information in the open sources.

According to **Khudat city** municipality, 6 public hearings were held by their initiative in 2019.

2.8.3. Number of programs implemented by the municipality in the territory of the district (city) municipality

According to the **Mingachevir city** municipality, they supported the implementation of 'Abad Mahalla', 'Support to Regional Development' and 'Support for Energy Reform' programs in 2018.

We failed to obtain information on the specific programs implemented by the municipalities in **Yevlakh, Khudat and Barda**.

2.8.4. Level of participation of civil society representatives in the meetings of the municipality

All pilot municipalities involved in the monitoring (only the Barda municipality did not respond to the request) noted that they had not barred civil society representatives from attending their meetings, and these practices took place at the civil society level. However, we failed to verify such participation reflected in official documents (minutes of meetings). Plus open reports do not contain information about it.

3. Key findings of the assessment of information transparency in the activities of local governments

An analysis of the country's legislation on access to public information shows that local government agencies have a responsibility to provide citizens with any information about their activities, except state secrets, and to make this information as easily accessible as possible using modern digital technologies. However, the assessment conducted on the basis of specific and measurable indicators of the example of 4 pilot areas, there are many problems and obstacles in the field of information openness across the country.

The following findings have come to light in the course of the assessment related to the openness of information on the activities of local governments and municipalities:

1) Information on the financing of local governments, as well as expenditures on the development of the area through them is sealed to the public. It has not been even been possible to obtain this information through requests;

2) Although it is not possible to obtain any information from local governments on their public procurement expenditures in their reports and data sources, you can have access to that information on the central government's e-procurement website. However, the main problem in this area is that it is impossible to determine what part of the budget is the contract value shown on the website, as the amount of approved budget funds for the purchase of goods, works and services for each local government organization is kept secret. The most important indicator for public oversight is what part of the annual orders of government agencies for goods, services and work is realized through procurement methods that are sealed to the public.

3) The functional pattern of budget expenditures by districts and cities (education, health, agriculture and land reclamation, social protection and security), the distribution of these expenditures by volume and economic structure is not accessible to the public. Some information available until recent years (for example, the list of recipients of subsidies) is no longer available in electronic sources. At best, this information can be obtained through media and civil society surveys;

4) Information on the amount of funds available for the district (city) as part of the state program and on the structure of expenditures is closed. Even this information is not accessible through the media and civil society surveys;

5) Unlike the bodies of public authority, information on the volume and structure of municipal expenditures and revenues is more accessible to the public. Municipalities that have launched their own website electronically disseminate this information; in others, it can be obtained through media and civil society surveys;

6) Information on the total amount of taxes collected from the districts and cities to the state budget and on the payment structure is not available to the public. Even access to this information through the media and civil society surveys is not possible;

7) There is no proper, sufficient public access to information on the structure and size of property owned by both municipalities and local executive authorities. Unlike the local executive authorities, information from municipalities is relatively easy to obtain through media and civil society surveys;

8) Most of the information not found in local sources can be easily obtained through the Internet resources of central government authorities. For example, the number of patients with diseases envisaged in state programs for districts (cities), the number of pensioners, recipients of targeted social assistance, the disabled, the average monthly amount of pensions and social benefits, the number of people involved in self-employment programs, the economic potential of districts or cities (industry, agriculture, construction, transport, etc.), online information on officials of a number of local governments can be obtained from the websites of central government authorities.

9) There are problems with the registration, statistics and accountability of public information surveys across local governments. The professional approach would be to develop unified rules to prepare and disclose a report on the registration of application forms of information inquiries to all public authorities (traditional mail, e-mail, e-application on the site, letter from a social network account, etc.), on the response rate and processing of appeals. Rules would be developed, and all the public authorities would use the same guidelines to make this information public. During the monitoring, we could obtain this information from some agencies on the basis of inquiries, yet we failed to obtain it from many of them. Or, although some public authorities reported a high enough response rate (in the range of 80-100%), there were no alternative sources (e.g., electronic reports) to verify the accuracy of the information.

10) Local government agencies have relevant structures (departments, offices, etc.) or responsible persons to apply for public information. However, the lack of a single guideline regulating the activities of these bodies causes randomness in this area. Some government agencies are more sensitive to information inquiries, while others are much more careless.

11) Channels are not sufficiently diversified for local government agencies to disseminate information and receive appeals. For example, very few government agencies (maximum 2-3 in each district) have been able to launch their own website and receive online applications. Without exception, all local executive authorities and education departments have websites. Only the website of one of the four monitored municipalities is working.

All government institutions, without exception, can hear citizens by phone and email or traditional mail. It is also difficult to obtain e-mail addresses from organizations that do not have websites. The experience of effective and widespread use of social networks is very weak. There is generally no experience in educating people through the Internet.

13) Local governments either do not have reports at all or are not accessible to the public. At best, some executive authorities post a small amount of information about their regular meetings on their websites. Reading reports published in the official district newspapers is not convenient for all the residents of the district. It should be especially noted that these newspapers have a very limited circulation. There is also an electronic version of the official newspaper of

only one of the four districts and cities involved in the monitoring (Yevlakh). However, even this newspaper does not share the full text of the executive branch's reports on its electronic resources.

14) Effective information is not used as a source, despite that the executive authorities have their website. The problem is not just with the sharing of necessary information on the site, it is with the lack of a proper search engine on it. This makes it impossible to find the information a user needs at the right time.

15) Information on the level of public participation in the work of municipalities is very scarce. For example, although public hearings and inquiries about civil society participation in the meetings were answered positively, official reports and protocols confirming the accuracy of this information are not available in open sources.